

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, OCTOBER 3, 2022**

The Lincoln County Board of County Commissioners met on October 3, 2022, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

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

Commissioner Absent:

Carrol Mitchem, Chairman

Others Present:

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

Vice-Chairman Sigmon called for a Moment of Silence and led in the Pledge of Allegiance, asking everyone to remember Chairman Mitchem, who is not feeling well.

**Adoption of Agenda:** Vice-Chairman Sigmon presented the agenda for the Board's approval.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the agenda, removing Item 9 – Closed Session.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, October 3, 2022**  
**6:30 PM**

**Lincoln County Administration Office**  
**353 N. Generals Blvd**  
**Lincolnton, NC 28092**

Call to Order – Chairman Sigmon

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
  - a. Approval of Minutes – September 12, 2022; September 19, 2022
  - b. 2023 Holiday Schedule
  - c. VTS Refunds
3. Request for Approval to Sign Building Reuse Grant Agreement for Huber Technology – John Dancoff
4. Resolution to Lease a Portion of County-Owned Property Located at 710 John Howell Drive – Megan Gilbert
5. Zoning Public Hearings – Joshua Grant/Andrew Bryant

**Joint Public Hearings with Planning Board - Legislative Cases:**

- A. CZ #2022-9 TKC Land Development II, LLC, applicant (Parcel ID# 02210 and 51191) A request to rezone 2.32 acres from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit a facility that rents construction equipment. The proposed facility includes a 4500-square-foot rental office/showroom and an outdoor storage area. The property is located on the east side of N.C. 16 about 300 feet north of the intersection with N. Pilot Knob Road in Catawba Springs Township.
- B. ZMA#703 Jill Fitzgerald, applicant (Parcel ID # 53016) A request to rezone a 0.55-acre tract zoned R-T (Residential Transitional) to B-N (Neighborhood Business) to allow the use of the site for office space. The subject property (Parcel ID# 53016) is located at 6970 and 6972 NC HWY 150 in the Catawba Springs Township
- C. ZMA #704 Chelsea Davis, applicant (Parcel ID# 76159) A request to rezone 1.099 acres from R-SF (Residential Single Family) to R-T (Transitional Residential) to allow the placement of a manufactured home. The property is located on the west side of Hauss Road in the Howards Creek Township.

**Following the joint meeting, the Lincoln County Board of Commissioners will hold public hearings to consider the following Quasi-Judicial matters:**

- D. SUP #468 Marjoree Hart, applicant (Parcel 105882) A request to allow a manufactured home on property zoned R-S (Residential Suburban). The property is located on the east side of Westridge Lane in Lincolnton Township.
- E. SUP #469 Clayton Homes Conover, applicant (Parcel 74184) A request to allow a manufactured home on property zoned R-S (Residential Suburban). The property is located on the south side of Polo Trail in Lincolnton Township.
- F. SUP #470 Craig P. Gates, Incorporated, applicant (Parcel 55045) A request to allow a manufactured home on property zoned R-S (Residential Suburban). The property is located on the south side of Knollwood Lane in Lincolnton Township.
- G. SUP #471 Hao Tang, applicant (Parcel 34694) A request to allow industrial uses classified as NAICS code 3314 in the I-G (Industrial General) district. The property is located at 6645 Denver Industrial Park in Catawba Springs Township.
- H. SUP #420A Hornet Solar, applicant (Parcel ID # 57984, 55956, 33495, 57985, 33949, 88482, 33572, 34232, 54666, 29536, 34243) A request to amend Conditional Use Permit #420 to allow for two additional access points to the site. The additional access points would be on Old Plank Rd. and Hines Cir. *(The solar farm was previously approved in 2020, this request is only for the two additional access points)*

6. Public Comments

7. Finance Officer's Report – Deanna Rios

8. Other Business

9. Closed Session

Adjourn

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

- a. Approval of Minutes – September 12, 2022; September 19, 2022
- b. 2023 Holiday Schedule
- c. VTS Refunds
- d. Ordinance Declaring the 2022 Denver Christmas Parade to be a County Sponsored Event Including Road Closures and Special Event Fee Waiver Request

Request for Approval to Sign Building Reuse Grant Agreement for Huber Technology – John Dancoff John Dancoff presented and asked the Board’s approval to sign the Building Reuse Grant Agreement for Huber Technology.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the request

Resolution to Lease a Portion of County-Owned Property Located at 710 John Howell Drive – Megan Gilbert presented the following:

This agenda item is a Lease Agreement for T-Mobile to install, maintain and operate communications equipment on the Central Tower located at 710 John Howell Drive. The total lease revenue for the initial 5-year term will be \$111,492.12.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the Resolution to Lease a Portion of County-owned Property Located at 710 John Howell Drive.

**RESOLUTION TO LEASE A PORTION OF COUNTY-OWNED PROPERTY  
LOCATED AT 710 JOHN HOWELL DRIVE**

**WHEREAS**, Lincoln County (the “County”) owns a parcel of land with an address of 710 John Howell Drive, Lincolnton, NC 28092 and further described as Parcel Tax ID Number 01979 upon which is located the Sheriff’s Department, the EMS Department, the Animal Services Department and the Central Tower for Communications (the “Central Tower”); and

**WHEREAS**, the County and T-Mobile South, LLC (“T-Mobile”) have agreed upon a Lease Agreement (the “Agreement”) under which T-Mobile will lease space on the Central Tower for placement of weather related equipment for a term of five (5) years, beginning the \_\_\_ day of \_\_\_\_\_, 2022 with a right to renew for four (4) additional five (5) year terms; and

**WHEREAS**, in consideration of the Agreement, T-Mobile has agreed to pay monthly rent in the amount of One Thousand Seven Hundred Fifty and 00/100 Dollars (\$1,750.00), with the rent increasing at a rate of Three Percent (3.00%) each year; and

**WHEREAS**, North Carolina General Statute §160A-272 authorizes the County to enter into a lease of up to ten (10) years upon resolution of the Board of Commissioners, adopted at a regular meeting after thirty (30) days public notice; and

**WHEREAS**, the required notice has been published and the Board of Commissioners is convened in a regular meeting.

**NOW THEREFORE, BE IT RESOLVE THAT** the Lincoln County Board of Commissioners hereby approves the Lease Agreement of the County owned property to T-Mobile South, LLC for five (5) years with a right to renew for four (4) additional five (5) year terms and thereby directs the County Manager to execute any instrument necessary to finalize the Agreement.

This the 3<sup>rd</sup> day of October, 2022.

**ATTEST:**

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**Amy S. Atkins**  
Clerk to the Board

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**Milton Sigmon**, Vice-Chairman  
Lincoln County Board of Commissioners

**Zoning Public Hearings:** Megan Gilbert, County Attorney, presented information concerning legislative and quasi-judicial hearings. No conflicts disclosed.

Josh Grant presented the following cases:

**CZ #2022-9 TKC Land Development II, LLC, applicant:**

The applicant is requesting the rezoning of 2.32 acres from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit a facility that rents construction equipment. This property is also located within the Eastern Lincoln Development District (ELDD) overlay. Property located within an approved conditional zoning district, such as the one proposed on this property, may only be used for the specified use in accordance with the approved site plan. The proposed site plan includes a 4500-square-foot rental office/showroom and an outdoor storage area. The outdoor storage area is subject to the General Outdoor Storage standards of Section 3.10.3.A of the Unified Development Ordinance. Also included in this packet is a summary of the community involvement meeting that was held on June 28, 2022.

**Site Area and Description**

The subject property is located on the east side of N.C. 16 about 300 feet north of the intersection with N. Pilot Knob Road in Catawba Springs Township. The property is adjoined by property zoned BN, R-T (Transitional Residential), R-CR (Residential and Commercial Recreational), and B-G (General Business). Land uses in this area include commercial, industrial, recreational, civic, and residential uses. This property is designated by the Lincoln County Land Use Plan as Suburban Commercial center, suitable for general commercial services.

**Additional Information**

Permitted uses under current ELDD and B-N zoning: bank, offices, neighborhood retail

Permitted use under proposed ELDD and CZ I-G zoning: sales(rentals) and general outdoor storage

### Staff's Recommendation

Staff recommends approval of the rezoning request.

Commissioner Cesena asked about the heights of equipment. Mr. Grant said he applicant will probably address this issue.

Vice-Chairman Sigmon opened the public hearing concerning CZ #2022-9 – TKC Land Development, II, LLC, applicant.

David Hanby, with Keith Corporation, said the Civil Engineer will give the presentation.

Megan Fitzsimmon, Civil Engineer with Kimley Horn, said they are proposing the Sunbelt Rental Facility, which is more of a home diy rental and less industrial. She said they are looking to go to IG use to have the location to provide outdoor storage for tools, etc. tied to the site specific plan. She said the community meeting was held and concerns were traffic issues. Traffic has been vetted out with NCDOT, who have given a preliminary approval. She said the outdoor storage does require a type c buffer, which is an 8' opaque screen.

Martin Oakes, 8057 Lucky Creek Lane, said this is spot zoning which is illegal.

George Barr, 7837 Live Oaks Drive, speaking for ELBA, said as a general principle, one of the most important things we can do is separate commercial, industrial and residential. He said this is not in harmony with the area and clearly belongs in an industrial park. Mr. Barr said the engineering company is also currently employed by the county to develop a new Land Use Plan, which is, at best, unethical and not best practices.

Billy Pope, 7525 Windy Pine Circle, spoke representing Grace Covenant Church and they own property to the east of this location. He said they are a very involved church and volunteer at East Lincoln High. He said the churches concern is what this looks like. He said the height restriction may come into play, because at night you put the boom in the air. He said the church has paid for a design and plans to move forward building their church there.

Linda Ostergaard, 8514 Pine Lake Rd., said county staff has deemed this rezoning is consistent with the Land Use Plan and has stated this parcel is suitable for general commercial services. She said this rezoning is for industrial purposes and the request is not reasonable.

Being no additional speakers, Vice-Chairman Sigmon declared the public hearing closed.

### **ZMA #703 – Jill Fitzgerald, applicant**

The applicant is requesting the rezoning of a 0.55-acre tract from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is also located in the Eastern Lincoln Development District (ELDD) overlay. The stated reason for the request is to use the site as office space for a real estate firm.

### Site Area & Description

The subject property is located at 6970 & 6972 E NC 150 Highway in Catawba Springs Township. It is adjoined by property zoned R-T (Transitional Residential) and B-G (General Business). Land uses in the immediate area include a mixture of residential and commercial. The subject property is located in an area designated by the Lincoln County Land Use Plan as Walkable Activity Center, suitable for residential and commercial uses within a predominantly pedestrian setting.

Additional Information

Permitted uses under current R-T zoning: single family home, modular home, duplex

Permitted use under proposed B-N zoning: restaurant, retail, office

Adjoining zoning and uses East: zoned R-T, residence South: zoned B-G, business West: zoned R-T, residence North: zoned R-T, opposite side of E NC 150 Hwy from subject property, vacant

Staff's Recommendation

Staff recommends approval of the rezoning request.

Vice-Chairman Sigmon opened the Public Hearing concerning ZMA #703 – Jill Fitzgerald, applicant.

Jill Fitzgerald, 3400 Elaine Ave, Lincolnton, said she would like to use the existing building or take the singlewide off the property and put a new structure on the lot.

Being no additional speakers, Vice-Chairman Sigmon closed the public hearing.

**ZMA #704 – Chelsea Davis, applicant**

The applicant is requesting the rezoning of a 0.857-acre tract from R-SF (Residential-Single Family) to Residential Transitional (R-T). The stated reason for the request is to locate a manufactured home (a double-wide mobile home) on the parcel.

Site Area & Description

The subject property is located at lot #5 of the Avery Heights Subdivision on Hauss Rd. approximately 1400 feet north of its intersection with W NC 27 HWY in the Howard's Creek Township. It is adjoined by property zoned R-SF (Residential-Single Family) and R-T (Residential Transitional). Land uses in the immediate area include a mixture of stick built and manufactured homes. The subject property is located in an area designated by the Lincoln County Land Use Plan as Large Lot Residential suitable for single family homes.

Additional Information

Permitted uses under current R-SF zoning: single family home, modular home Permitted use under proposed R-T zoning: single family home, modular home, duplex, manufactured home (class A, B, C, E)

Adjoining zoning and uses

East, South and North: zoned R-SF, residence West: zoned R-T, residence

Staff's Recommendation

Staff recommends approval of the rezoning request.

Vice-Chairman Sigmon opened the Public Hearing concerning ZMA #704 - Chelsea Davis, applicant.

Rheba Leonard, 259 Hauss Road, said this tract of land joins her property. They deeded this to their granddaughter, who plans to put a doublewide there.

Being no additional speakers, Vice-Chairman Sigmon declared the public hearing closed.

The Planning Board recessed their meeting to room 310.

Andrew Bryant presented the following:

**SUP #468 – Marjoree Hart, applicant**

The applicant is requesting a special use permit to place a singlewide manufactured home in the R-S (Residential Suburban) district. A singlewide manufactured home is a special use in the R-S district.

Site Area and Description

The 1.326 acre parcel is located at end of Westridge Lane. The property is located approximately 500 feet south of Westridge Lane's intersection with Springdale Park Dr. in the Lincoln Township. The subject property is surrounded by property zoned R-S. Land uses in this area are primarily residential; with a mixture of site built and manufactured homes. This property is located in an area designated by the Lincoln County Land Use Plan as Single Family Neighborhood, suitable for single-family detached homes. The property is currently vacant.

Vice-Chairman Sigmon opened the Public Hearing concerning SUP #468 – Marjoree Hart, applicant.

Marjoree Hart, applicant, said she prepared and would like to incorporate findings into testimony. She said they are unsure if the home will be new or used.

**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve the Findings of Fact for SUP #468 – Marjoree Hart, applicant.



**UPON MOTION** by Commissioner Davis, the Board voted unanimously to approve SUP #468 – Marjoree Hart, applicant.

**SUP #469 – Clayton Homes Conover, applicant**

The applicant is requesting a special use permit to place a doublewide manufactured home in the R-S (Residential Suburban) district. A doublewide manufactured home is a special use in the R-S district.

**Site Area and Description**

The 1.409 acre parcel is located on the south side of Polo Trail. The property is located approximately 800 feet east of Polo Trail’s intersection with Southside Rd. in the Lincoln Township. The subject property is surrounded by property zoned R-S. Land uses in this area are primarily residential; with a mixture of site built and manufactured homes. This property is located in an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for single-family detached homes. The property is currently vacant and was previously the location of a singlewide manufactured home.

Vice-Chairman Sigmon opened the Public Hearing concerning SUP #469 – Clayton Homes Conover, applicant.

Matthew Vaughn, applicant, said he is here to answer any questions. He stated he prepared and would like to incorporate the Findings of Fact into his testimony.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact for SUP #469 – Clayton Homes Conover, applicant.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve SUP #469 – Clayton Homes Conover, applicant.

**SUP #470 – Craig P. Gates, Incorporated, applicant:**

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to table SUP #470 until the next meeting due to the fact that no one signed up to present testimony.

**SUP #471 – Hao Tang, applicant**

The applicant is requesting a special use permit to allow a copper reclamation and recycling operation in the Eastern Lincoln Development District (ELDD) overlay and in the I-G (General Industrial) district. The operation is classified under the permitted uses table as NAICS 3314 “other nonferrous metal production” permitted as a special use in both the I-G district and in the

ELDD overlay. The request includes the applicant occupying an existing building within the Denver Industrial Park to conduct this new operation.

Site Area and Description

The request involves a 1.467-acre lot located on the east side of Denver Industrial Park Rd. approximately 250 feet north of its intersection with N NC 16 Business Hwy in Catawba Springs Township. The property is zoned I-G (General Industrial) and is surrounded by property zoned I-G. Land uses in this area include individual industrial operations such as power sports, cabinetry, glass production, and steel manufacturing. This property is part of an area designated by the Lincoln County Land Use Plan as an Industrial Center.

Vice-Chairman Sigmon opened the Public Hearing concerning SUP #471 – Hao Tang, applicant

Monique Kusick, applicant, said she prepared the findings of fact and would like to incorporate them into her testimony. She said their business needs to diversify and the intent is to grow. She said the business is copper reclamation, which comes in an enclosed truck. Their business plans to relocate from Statesville to Denver.

Being no additional speakers, Vice-Chairman Sigmon declared the public hearing closed.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact for SUP #471 – Hao Tang, applicant.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve SUP #471 – Hao Tang, applicant.

**SUP #420A Hornet Solar, applicant**

Hornet Solar, LLC, is requesting an amendment to CUP 420 an approved solar farm facility to add two access points for safer ingress and egress to the facility. The solar facility was approved in 2020. This request is only for the modification of adding two new site access points (Old Plank Rd. / Hines Cir.). A site plan showing the full solar farm and the two new access points is provided as part of this request. As required by Article 9.11.10.B.7 Modifications to Approved Special Use Permit, changes in vehicular access is considered a substantial change requiring approval of the Board of Commissioners.

Site Area and Description

The 708-acre Lincoln County portion (Parcel ID# 29536, 33495, 33572, 33949, 34232, 54666, 55956, 57984, 57985 and 88482) of the proposed site, which also includes 791 acres in Gaston County, is located south of Old Plank Road, on both sides of June Dellinger Road and about 2,000 feet west of N.C. 16 Business (see enclosed map). Land uses in this area are primarily residential and agricultural. This subject property is part of an area designated by the Land Use Plan as Large Lot Residential.

Vice-Chairman Sigmon opened the Public Hearing concerning SUP #420A – Hornet Solar, applicant.

Tom Terrell, Attorney for Hornet Solar, said the solar farm has already been approved, this is a request for the 2 entrances.

Tom Delafield, applicant, said they are here tonight to adjust the site plan to add two additional access points. He said he assisted with the proposed findings of fact and incorporate them into testimony.

David Patterson, 748 Car Farm Road, asked where the access points would be and how it would affect the other parcels in the area.

Patty Harlan, 1249 Brevard Place Road, (determined that she has no standing)

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the Findings of Fact for SUP #420A – Hornet Solar, applicant.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve SUP #420A – Hornet Solar, applicant, based on the Findings of Fact.

**Public Comments:** Vice-Chairman Sigmon opened Public Comments.  
Being no speakers, Vice-Chairman Sigmon closed Public Comments

**Finance Officer's Report:** Deanna Rios presented the Finance Officer's Report.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Milton, Sigmon, Vice-Chairman  
Board of Commissioners