

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 7, 2022**

The Lincoln County Board of County Commissioners met on November 7, 2022, at the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, at 6:30 PM.

Commissioners Present:

Milton Sigmon, Vice-Chairman  
Bud Cesena  
Anita McCall

Commissioner Absent:

Carrol Mitchem, Chairman  
Cathy Davis

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 and Commissioner Davis who are 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 as presented.

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, November 7, 2022  
6:30 PM**

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

Call to Order – Vice-Chairman Sigmon

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
  - a. Approval of Minutes – October 17, 2022
  - b. GPO #9
  - c. GPO #10
  - d. BOA #4
  - e. BOA #5
  - f. VTS Refunds
  - g. Request for Approval to Retain Outside Counsel for Riverbend Project
  - h. 2023 Meeting Schedule
3. Zoning Public Hearings – Jeremiah Combs/Andrew Bryant

**The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on the following legislative cases:**

PD #2022-3 Taylor Morrison Homes, applicant (Parcel ID# 50191, 71279, and 51877) A request to rezone 30.91 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 55 single-family detached homes. The property is located at the end of Creek Park Drive west of N. Little Egypt Road in Catawba Springs Township.

PD #2022-4 Pace Development Group, applicant (Parcel ID# 51877, 02664, and 02482) A request to rezone 113.27 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 199 single-family detached homes. The property is located on the west side of N. Little Egypt Road at the intersection with Optimist Club Road in Catawba Springs Township.

PD #2022-5 Garden Street Communities Southeast, LLC, applicant (Parcel ID# 00702, 26955, and 27330) A request to rezone 158.78 acres from R-T (Transitional Residential) and R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 148 single-family detached homes. The property is located on the west side of Salem Church Road about 1700 feet south of the intersection with Keever Dairy Farm Road in Ironton Township.

PD #2022-6 Garden Street Communities Southeast, LLC, applicant (Parcel ID# 26849, 71497, and 26816) A request to rezone 159.5 acres from R-S (Residential Suburban) and PD-R CU (Planned Development Residential Conditional Use) to PD-R (Planned Development-Residential) to permit a subdivision with up to 150 single-family detached homes. The property is located on the north side of N.C. 150 at the intersection with Shuford Road in Ironton Township

ZMA #705 Timothy and Marian Dellinger, applicant (Parcel ID# 90501) A request to rezone 13.005 acres from R-SF (Residential-Single Family) to R-S (Residential Suburban) to allow the construction of duplexes as a residential use type on the property. The subject property is located on the north side of Webbs Road at its intersection with Burton Lane in Catawba Springs Township.

UDO #2022-3 Lincoln County Planning and Inspections, applicant A request to amend Section 2.4.5 & Section 2.4.6 & Section 2.4.7 to revise the Dimensional Standards, to amend Section 2.4.9.A., Section 2.4.9.B. & Section 2.4.9.E. to standardize Dimensional Standards for residential uses in Planned Development Districts, and to amend Section 5.6.1.A. to provide for a reduction in the required minimum lot size for Family Subdivisions.

UDO #2022-4 Lincoln County Planning and Inspections, applicant A request to amend Section 4.2.3 to remove the requirement that a Two-Family House be designed to appear as a single-family detached home in accordance with State law, Section 8.5 Remove reference to Adequate Public Facilities Committee, Section 9.8.7.F.3 to apply the Level of Service standard to all accesses and streets, Section 9.20.10 to clarify the process of claiming a Common Law Vested Right, Section 9.6.9.F to assign to authority of granting waivers to Subdivision Standards to the Board of Commissioners, Section 9.6.9.G to remove the option to send a Preliminary Plat back to the Planning Board for additional consideration, Section 10.5.2 to reference the provisions of state law that allow for the modernization of a billboard to a digital display if the billboard is permitted by NCDOT, Update assorted references to Condition Use Permits to Special Use permits throughout the ordinance.

4. Public Comments
5. Purchase Agreement for Property Located at 357 N. Generals Blvd – Megan Gilbert
6. Finance Officer’s Report
7. Other Business

Adjourn

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

- a. Approval of Minutes – [October 17, 2022](#)
- b. [GPO #9](#)
- c. [GPO #10](#)
- d. [BOA #4](#)

- e. [BOA #5](#)
- f. [VTS Refunds](#)
- g. [Request for Approval to Retain Outside Counsel for Riverbend Project](#)
- h. [2023 Meeting Schedule](#)

**Zoning Public Hearings:** Megan Gilbert, County Attorney, presented information concerning legislative hearings and asked if any Commissioners or Planning Board members had a conflict. No conflicts were disclosed.

Jeremiah Combs presented the following cases:

He mentioned the applications for the four PD cases were submitted prior to the UDO Amendment adopted on August 15, 2022. Under NC State Law, if Land Development regulations are amended after an applicant submits their application, then the applicant may choose which version of the regulations they wish to apply. The applications in these four cases chose to apply the lot dimensional standards in effect at the time of their application. The one acre lot size is not applicable on these four cases.

**PD #2022-3 Taylor Morrison Homes, LLC, applicant:**

The applicant is requesting the rezoning of 30.91 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 55 single-family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-T district. A concept plan and a PD-R report with terms and conditions for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A technical memorandum to the traffic impact analysis that was performed for the Creek Park Planned Development is included with the application. The technical memorandum indicates that the additional trips that will be generated by the proposed 55 lots will not warrant any additional roadway improvements beyond those that were recommended by the original traffic impact analysis. In addition, the applicant has provided minutes from a community involvement meeting that was held on June 29, 2022.

**Site Area and Description**

The subject property is located at the end of Creek Park Drive west of N. Little Egypt Road in Catawba Springs Township. The property is adjoined by property zoned PD-R (Planned Development-Residential), R-T (Transitional Residential), and R-SF (Residential Single-Family). Land uses in this area include residential, recreational, and civic uses.

**Public Utilities**

The applicant is proposing to serve the development with public water and public sewer. Utility service will be provided through connection to water and sewer in Creek Park Phase 1. The applicant has been advised that Lincoln County currently could not allocate sewer capacity for the proposed development.

### **Land Use Plan and UDO Conformance**

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre.

The proposed density for this development is 1.78 units per acre. The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 30% of the acreage in this proposed development would be reserved as recreation and open space. The proposed master plan complies with the planned development standards for a 20-foot undisturbed project boundary buffer. The proposed master plan also complies with the UDO's subdivision standards for internal sidewalks and street trees.

The applicant is requesting a waiver from the subdivision standards in Section 5.4.4.C of the Unified Development Ordinance to permit an internal road connectivity ratio less than 1.4

Vice-Chairman Sigmon opened the public hearing concerning PD #2022-3 Taylor Morrison Homes, LLC, applicant.

Alan Kerley, 11405 N. Community House Rd, Charlotte, said Taylor Morrison is a homebuilder in the area with plans to build roughly 575 homes in 2022 with price ranges from the upper \$300k to the upper \$700k. They were voted America's most trusted home builder for seven years in a row. He said the 30 acres they are requesting is the northern section of the property for 55 lots. The buffer has been extended to 50' instead of the initially proposed 20'.

Robert Shugarman, Planning Board member, asked about the traffic impact study. Mr. Kerley said no additional traffic improvements are required beyond what was made for Creek Park Phase 1.

Rob Brown, 1258 NC 16 Business, said this project is consistent with the Land Use Plan and is in full compliance with the provisions of UDO. He encouraged the Board to approve as it is in compliance with all zoning regulations in Lincoln County.

Allen Brotherton, Attorney, speaking on behalf of Verdict Ridge Country Club and the Knox's, asked the Board to put in the conditions some enforcement that there will not be water runoff issues from the development. Alan Kerley addressed the concerns and said they will find ways to angle the point source to pipe the water around from the 18<sup>th</sup> hole. He said they commit to Verdict Ridge and the Knox family to accomplish this.

Allen Brotherton asked for the condition that the development does not deposit sediment on Verdict Ridge Golf Course.

Bruce Bryant, 1297 Winged Foot Dr., said his concern is about the runoff from the development.

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

**PD #2022-4 Pace Development Group, applicant:**

The applicant is requesting the rezoning of 113.27 acres from R-T (Transitional Residential) to PD-R (Planned Development-Residential) to permit a subdivision with up to 199 single-family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-T district. A concept plan and a PD-R report with terms and conditions for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. The PD-R report includes commitments by the applicant to provide certain traffic improvements. The improvements are based on a traffic impact analysis that is included with the application. In addition, the applicant has provided minutes from a community involvement meeting that was held on June 29, 2022.

**Site Area & Description**

The subject property is located on the west side of N. Little Egypt Road at the intersection with Optimist Club Road in Catawba Springs Township. The property is adjoined by the Creek Park subdivision to the south and the Verdict Ridge subdivision to the west. The property is also adjoined by various parcels zoned R-T (Transitional Residential) and R-SF (Residential Single-Family). Land uses in this area include residential, recreational, and civic uses.

**Public Utilities**

The applicant is proposing to serve the development with public water and public sewer. The applicant has been advised that Lincoln County currently could not allocate sewer capacity for the proposed development.

**Land Use Plan and UDO Conformance**

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 1.76 units per acre. The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 54% of the acreage in this proposed development would be reserved as recreation and open space. The proposed master plan complies with the planned development standards for a 20-foot undisturbed project boundary buffer and external sidewalks. The proposed master plan also complies with the UDO's subdivision standards for internal sidewalks and street trees. The

applicant is requesting waivers from the subdivision standards in Section 5.4.4.C and Section 5.4.11.B of the Unified Development Ordinance, to permit an internal road connectivity ratio less than 1.4 and to permit a cul-de-sac longer than 1000 feet. Pursuant to authority vested in Section 9.6.9 of the UDO, the Planning Board will hold an evidentiary hearing on the requested waivers.

Vice-Chairman Sigmon opened the Public Hearing concerning PD #2022-4 Pace Development Group, applicant.

Brian Pace, 6719 C Fairview Road, Charlotte, said Pace Development has been in business since 1995 and is a family owned company. He introduced the new development Pace is proposing, Unity Preserve. He said the traffic study was done and they will make suggested improvements. He discussed the economic impact from approval of the development.

Allen Brotherton said they have concerns about runoff on hole #15 due to this development. He asked for a condition to be added that there not be runoff from this development.

Mr. Pace said they will address these concerns and they have plenty of open space to reroute the water runoff.

Commissioner Cesena asked about walking trails along the golf course.

Mr. Pace said the walking trails at the golf course have been cut from the plans.

Commissioner Cesena asked for the wording to be added before this comes before the Board for a vote in two weeks.

Rob Brown respectfully requested that the Board approve due to the fact that is in consistent with the Land Use Plan and compliant with the UDO.

Dr. Ron Thomas, 511 S. Academy Street, said 550 new homes are being requested in Lincoln County. He encouraged the Board to not approve the zoning changes until there is knowledge to where we want to go as a county.

Bruce Bryant, 1297 Winged Foot Dr., spoke concerning erosion and traffic. He thanked the Board for the due diligence.

Martin Oakes, 8057 Lucky Creek Lane, said he noticed there has been no discussion about the impact on schools, which are already full. He said there is only one road and in subdivision regulations, is says there needs to be 2 entrances.

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

**PD #2022-5 Garden Street Communities Southeast, LLC, applicant:**

The applicant is requesting the rezoning of 158.78 acres from R-T (Transitional Residential) and R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit a subdivision with up to 148 single-family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-T district. A concept plan and a PD-R report with terms and conditions for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. In addition, the applicant has provided minutes from a community involvement meeting that was held on August 3, 2022.

#### Site Area and Description

The subject property is located on the west side of Salem Church Road about 1700 feet south of the intersection with Keever Dairy Farm Road in Ironton Township. The property is adjoined by parcels zoned R-T, R-SF and R-S (Residential Suburban). Land uses in this area are primarily residential and agricultural.

#### Site Area and Description

The subject property is located on the west side of Salem Church Road about 1700 feet south of the intersection with Keever Dairy Farm Road in Ironton Township. The property is adjoined by parcels zoned R-T, R-SF and R-S (Residential Suburban). Land uses in this area are primarily residential and agricultural.

#### Traffic Impact Analysis

A traffic impact analysis (TIA) was performed for the proposed development, based upon the vehicular trips expected to be generated from 148 homes. The North Carolina Department of Transportation has reviewed and accepted the recommendations of the study, and Lincoln County Planning staff has confirmed that the recommendations of the study are in compliance with the level of service standards in the Lincoln County Unified Development Ordinance. No formal off-site improvements were recommended by the results of the study.

#### Public Utilities

The applicant is proposing to serve the development with public water. The proposed connection would come from a 12' water line which runs along the west side of Salem Church Rd.

#### Land Use Plan and UDO Conformance

The subject property is part of an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for densities up to 2.0 dwelling units per acre. The proposed density for this development is 0.93 units per acre. The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 24.5% of the acreage in this proposed development would be reserved as recreation and open space. The proposed master plan complies with the planned development standards for a 20-foot undisturbed project boundary buffer and external sidewalks. The proposed master plan also complies with the UDO's subdivision standards for internal sidewalks and street trees



### Staff's Recommendation

Staff recommends approval of the rezoning request.

Jeremiah Combs said there has been a change since the community involvement meeting concerning Catalina Lane, which was originally shown as an emergency access. There is now a cul de sac dead ending and a 20' buffer between Catalina Lane and the project. There are two entrances to the development, both on Salem Church Road.

Vice-Chairman Sigmon opened the Public Hearing concerning PD #2022-5 Garden Street Communities Southeast, LLC, applicant.

Gary Williams, applicant, presented the development, named The Shoals, on Salem Church Road for the Board's consideration. The development will be on 158.6 acres of property between Keever Dairy and Philadelphia Church Road and they are requesting to rezone to PD for 148 single family homes. The TIA was completed by Don Spence, who is present for any questions. No turn lanes were required and there was minimum impact on Salem Church Road. Water will be provided by Lincoln County and sewer is not available at the site. He spoke concerning the septic systems that will be installed in the development. He requested a favorable recommendation from the Planning Board and approval from the Board of Commissioners.

Scott Link, 1681 Salem Ave, said he has lived there for 33 years in the development adjacent to this property. He said if 158 acres is developed, the wildlife and environment is gone forever. He said the traffic will be terrible and sightlines from his development will be awful. He said Mr. Williams invited them to come see some homes under construction by Adams Homes and they were unimpressed with the homes and quality of neighborhood. He asked the Board to vote no on this neighborhood.

Lorraine Homesley, 2200 Homesley Tr., asked the Board to manage growth appropriately and not allow them to become overcrowded. She asked the Board to slow down growth and not let this land be destroyed.

Todd Pigg, 4362 Asbury Church Rd., said he is the current joint owner of the property and can answer any questions. He said the property has been on the market for 2 to 3 years.

Ronald Thomas, 511 S. Academy St., spoke against the density of homes on this property and the septic systems.

Kenneth Walters, 1947 Salem Church Rd., said he lives right across the street. He asked if a geological impact study has been done. He said he has a well and is concerned about the impact of all the septic systems. He said he is concerned about children in the neighborhood driving ATVs on his property and crops. He said the chicken houses there smell and they put manure on crops which stink.

Avery Blackburn said there is no Stormwater Ordinance to enforce anything. He said some of these larger developments may need to be tabled until an Ordinance is in place.

Kenneth Walters, Jr., 1903 Salem Church Road, said he lives across from the property, where he raises beef cattle. He said when he built there he had to sign a document that he understood that this was agricultural property and there were smells and sounds. He asked if these new residents would have to sign the agreement.

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

Vice-Chairman Sigmon called for a brief recess and called the meeting back to order.

**PD #2022-6 Garden Street Communities Southeast, LLC, applicant:**

The applicant is requesting the rezoning of 159.5 acres from R-S (Residential Suburban) and PD-R CU (Planned Development Residential Conditional Use) to PD-R (Planned Development-Residential) to permit a subdivision with up to 150 single-family detached homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-S district. A concept plan and a PD-R report with terms and conditions for the proposed development have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. In addition, the applicant has provided minutes from a community involvement meeting that was held on August 8, 2022.

**Site Area and Description**

The subject property is located on the north side of N.C. 150 at the intersection with Shuford Road in Ironton Township. The property is adjoined by parcels zoned R-S, R-T (Residential Transitional), and R-SF (Residential Single Family). Land uses in this area are primarily residential and agricultural.

**Traffic Impact Analysis**

A traffic impact analysis (TIA) was performed for the proposed development, based upon the vehicular trips expected to be generated from 150 homes. The North Carolina Department of Transportation has reviewed and accepted the recommendations of the study, and Lincoln County Planning staff has confirmed that the recommendations of the study are in compliance with the level of service standards in the Lincoln County Unified Development Ordinance. The PD-R report includes commitments by the applicant to install the recommended traffic improvements prior to the first phase of the development.

**Public Utilities**

The applicant is proposing to serve the development with public water. The proposed connection would come from a 12' water line which runs along the east side of Shuford Rd.

#### Land Use Plan and UDO Conformance

The subject property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential, suitable for densities up to 1.35 dwelling units per acre. The proposed density for this development is 0.94 units per acre. The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 38.6% of the acreage in this proposed development would be reserved as recreation and open space. The proposed master plan complies with the planned development standards for a 20-foot undisturbed project boundary buffer and external sidewalks. The proposed master plan also complies with the UDO's subdivision standards for internal sidewalks and street trees.

This will be developed in 2 phases. The site plan shows the four main access points, 2 on Shuford Road and 2 on Union Church Road. The only connection to 150 is an emergency access road, which will be gated.

Vice-Chairman Sigmon opened the Public Hearing concerning PD #2022-6 Garden Street Communities Southeast, LLC, applicant.

Greg Williams, applicant, presented Caldwell Farms, which is a 159.5 acre site on the east side of Shuford Road. The site layout is for 150 single family lots. There were no turn lanes recommended into the 4 entranceways. There was a major improvement recommended at the Hwy 150 and Shuford Road intersection. Once right of way and drainage issues are in place, turn lanes will be installed on Hwy 150. Water will be provided by the county and the lots will have individual septic systems. He requested a favorable recommendation from the Planning Board and approval by the Board of Commissioners.

Don Spense, Traffic Engineer, said the intersection of 150 and Shuford Road is currently a level of service E.

Jeremiah Combs gave information on traffic improvements and bringing level of service up at failing intersections.

Megan Gilbert said recent case law shows that has county authority has been limited to make developers improve level of service beyond what was there before the development.

Sally Fox, 1094 4<sup>th</sup> Ave Dr. NW, Hickory, said she is an adjoining property owner and is concerned with the current development trends. She asked if this is what we want as people enter all the highways into Lincolnton, one high density development after the other one.

John Fox, 4200 Hwy 150, said he manages Alpine Farms, in an Agricultural District, which abuts the Caldwell Development. He urged the Board to vote against the request.

Ron Morgan, 2257 Union Church Road, asked why the Board of Education is not asked for input. He asked if the infrastructure is in place for this influx of families from these developments. He said Shuford Road is already destroyed and turn lanes will only create blind spots, a light is needed there.

Melina Young, 1918 West Laporte Dr., said the landscape will be changed with this development and the infrastructure and roads will be harmed. She said these developments will have huge ramifications on the school system. She requested that the Board deny the proposal.

Diane Hullett, 2430 Shuford Road, said if they don't put the houses there, taxes will eventually pay for the road to be fixed. She said the schools should have input. She asked the Board to do what is right.

James Gay, 2719 Union Ridge Drive, asked why this would be allowed if there is already a failing intersection and Shuford Road. He urged the Board to vote against the request.

Avery Blackburn, 6884 Everwood Lane, asked about DOT regulations for increases of 25% delay in traffic. Ms. Gilbert said she is not sure about DOT regulations,

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

### **Zoning Map Amendment #705 Timothy Dellinger, applicant**

The applicant is requesting the rezoning of a 13.005-acre tract from R-SF (Residential-Single Family) to Residential Suburban (R-S) to be able to construct duplexes on the parcel as an approved residential use type.

#### Site Area & Description

The subject property is located on the north side of Webbs Road at its intersection with Burton Lane in the Catawba Springs Township. It is adjoined by property zoned R-SF (Residential-Single Family) and Planned Development Residential. Land uses in the immediate area include primarily single family homes. The subject property is located in an area designated by the Lincoln County Land Use Plan as Single-Family Neighborhood suitable for single family detached homes

Additional Information Permitted uses under current R-SF zoning: single family home, modular home Permitted use under proposed R-S zoning: single family home, modular home, and duplex

Adjoining zoning and uses North: Planned Development Residential South, West, East: R-SF (Residential-Single Family)

Staff's Recommendation Staff recommends disapproval of the rezoning request.

Vice-Chairman Sigmon opened the Public Hearing concerning Zoning Map Amendment #705.

Timothy Dellinger, applicant, said they will be using one acre lots if this is approved. He said he wants to build 7 duplexes on 13 acres.

Matthew Morgan, 7712 Juniper Ln., said he agrees with the Planning staff's recommendation to deny the request. He asked the Board to keep the neighborhood as is.

Kimberly Henry, 598 Cottonwood Dr. asked the Board to deny the request and protect the established neighborhoods.

Commissioner McCall said the NCDOT is the only authority for the roads, however the Commissioners see, feel it and drive the roads just like everyone else. She said she has asked for the NC Senate and House to give Lincoln County some authority. She asked the citizens to contact House members and Senators to express their concerns.

Greg Smith, 7456 Tallwood Drive, spoke on behalf of several homeowner's associations. He said he would like the zoning to stay the same. He asked the Board to take a look at their processes and how they do things.

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

**UDO Proposed Amendment #2022-3 Lincoln County Planning and Inspections Department, applicant**

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to table UDO Proposed Amendment #2022-3 Lincoln County Planning and Inspections Department, applicant, until the December 5, 2022 meeting.

**UDO Proposed Amendment #2022-4 Lincoln County Planning and Inspections Department, applicant**

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to table UDO Proposed Amendment #2022-4 Lincoln County Planning and Inspections Department, applicant, until the December 5, 2022 meeting.

**Public Comments:** Vice-Chairman Sigmon opened Public Comments.

George Barr spoke concerning the relationship between local representatives relationships with state representatives concerning NCDOT and the roads in the county.

Being no speakers, Vice-Chairman Sigmon closed Public Comments

**Purchase Agreement for Property located at 357 N. Generals Blvd:** Megan Gilbert presented the following:

The County has made an offer for the purchase of property located next to the County Administration Building for additional office space. The purchase price is \$1,475,000.00, with an Earnest Money Deposit of \$20,000.00 (non-refundable) included in purchase price amount. Additional Fees include Title Insurance Premium and Closing Fees (The Deaton Law Firm, PLLC).

**RESOLUTION APPROVING THE PURCHASE OF THE PROPERTY LOCATED AT 357 N. GENERALS BLVD.**

**WHEREAS**, Lincoln County desires to purchase the property located at 357 N. Generals Blvd., Lincolnton, NC 28092 also known as Lincoln County Parcel No. 58277 (the “Property”) for the expansion of office space for multiple county departments; and

**WHEREAS**, North Carolina General Statute §15A3-11 states that all counties are a body corporate and politic, and “may acquire and hold any property and rights of property, real and personal, that may be devised, sold or in any manner conveyed, dedicated to, or otherwise acquired by the corporation;” and

**WHEREAS**, Lincoln County has determined that it is in the best interest of the County to purchase the approximately 10,000 square feet building, and all real property, located on the Property, and intends to use the Property for a public purpose.

**NOW, THEREFORE**, the Lincoln County Board of Commissioners resolves that:

1. Lincoln County intends to purchase the real property located at 357 N. Generals Blvd., Lincolnton, NC 28092 and all structures located thereon.
2. The Property herein described may be purchased for the amount of \$1,475,000.00.
3. The County Manager, or the Chairman of the Board of Commissioners is authorized to execute all documents necessary to purchase the property in the manner authorized by this Resolution.

Adopted this the 7<sup>th</sup> day of November. 2022.

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**Milton Sigmon, Vice-Chairman**

## Lincoln County Board of Commissioners

(SEAL)

**ATTEST:**

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**Amy Atkins**

Clerk to the Board of Commissioners

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Resolution Approving the Purchase of the Property Located at 357N. Generals Blvd

**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