

A G E N D A

Lincolnton City Council

December 5, 2013

**SWEARING IN CEREMONY
6:30 P.M.**

**REGULAR MEETING
7:00 P.M.**

Council Chambers

City Hall

A G E N D A
LINCOLNTON CITY COUNCIL

December 5, 2013

6:30 p.m.

SWEARING IN CEREMONY / ORGANIZATIONAL MEETING

CALL TO ORDER - Mayor John O. Gilleland, Jr.

Pledge of Allegiance - FUMC Pack 75 - Joby Rhyne and Jake Bauer

City Clerk to Administer Oath of Office

- a. Mayor - John O. Gilleland, Jr.**
- b. City Council Members - Ward I - Devin Rhyne
Ward III - Martin A. Eaddy**

Comments

- a. Mayor Gilleland**
- b. City Council Members**

Mayor's Appointments

- a. ABC Board - (1) appointment - Councilman HEAVNER**
- b. Lincolnton Housing Authority - (1) appointment -
Councilman HOVIS**
- c. Centralina Council of Governments (COG)
(2) appointments - a Delegate to the Executive Committee
Councilman RHYNE
Alternate: Mayor GILLELAND**
- d. Lincolnton-Lincoln County Airport Authority - (1) appointment
Councilman HOVIS**
- e. Library Board - (1) appointment - Councilman CLONINGER**
- f. Lincoln Cultural Center - (1) appointment
Councilman CLONINGER**
- g. Recreation Commission - (1) appointment
Councilman RHYNE**

Mayor's Appointments - (Continued)

- h. N.C. Municipal Power Agency (NCMPA 1) - (3) appointments**
 - (1) One Delegate - Director of PW&U, Steve PEELER
 - (2) Two Alternate Delegates - Mayor GILLELAND
- CITY MANAGER
- i. DDA Appointment - (1) appointment - MAYOR GILLELAND**
- j. LEDA - (Lincoln Economic Development Association) -**
 - (1) appointment - MAYOR GILLELAND
- k. Chamber of Commerce Board of Directors - (1) CITY MANAGER**
- l. Tourism Development Authority - (1) Councilman HOVIS**
- m. Transportation Advisory Committee - (1) Councilman Vacant**

City Council's Appointments

- a. Nominations for and Election of Mayor Pro Tempore**
- b. Appointment of City Attorney**

Parliamentary Procedures

- a. Adoption of Rules - (*Currently Abbreviated Version of Roberts Rules of Order*)**
- b. Resolution (R-19-13) to adopt the 2014 Calendar of Regular meetings of the Lincolnton City Council in accordance with the City Charter**

Recess until 7:00 p.m.

OATH

OF

OFFICE

(a) Mayor John O. Gilleland, Jr.

(b) City Council Members
Ward I - Devin Rhyne

Ward III – Martin A. Eaddy

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
John L. Cloninger, Mayor Pro-Tem
Devin Rhyne
Carroll Heavner
Larry Mac Hovis



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

OATH OF OFFICE

"I, JOHN O. GILLELAND JR., do solemnly swear that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties as MAYOR of the CITY OF LINCOLNTON so help me God."

Signed this the 5th day of December 2013.

JOHN O. GILLELAND, JR.

DONNA C. FLOWERS, CMC
CITY CLERK

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
John L. Cloninger, Mayor Pro-Tem
Devin Rhyne
Carroll Heavner
Larry Mac Hovis



CITY MANAGER

JEFF EMORY
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CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

OATH OF OFFICE

"I, DEVIN RHYNE, do solemnly swear that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties as a City Council Member of the LINCOLNTON CITY COUNCIL so help me God."

Signed this the 5th day of December 2013.

DEVIN RHYNE

DONNA C. FLOWERS, CMC
CITY CLERK

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donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

OATH OF OFFICE

"I, MARTIN A. EADDY, do solemnly swear that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties as a City Council Member of the LINCOLNTON CITY COUNCIL so help me God."

Signed this the 5th day of December 2013.

MARTIN A. EADDY

DONNA C. FLOWERS, CMC
CITY CLERK

City Council

Appointments

(a) Election of Mayor Pro Tem

(b) Appointment of City Attorney

Mayor's Appointments

(Items A – M)

MAYOR'S BOARD APPOINTMENTS

Currently Serving as Follows:

A. ABC BOARD

Carroll Heavner – City Council Representative

B. LINCOLNTON HOUSING AUTHORITY

Larry Mac Hovis – City Council Representative

C. CENTRALINA COUNCIL OF GOVERNMENTS

Devin Rhyne– City Council Representative

Mayor Gilleland – Alternate

D. LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY

Larry Mac Hovis – City Council Representative

E. LINCOLN COUNTY LIBRARY BOARD

Dr. Les Cloninger – City Council Representative

F. LINCOLN CULTURAL CENTER

Dr. Les Cloninger – City Council Representative

G. RECREATION COMMISSION

Devin Rhyne – City Council Representative

H. N.C. MUNICIPAL POWER AGENCY (NCMPA#1)

Steve Peeler, Director of PW&U – Delegate

Mayor Gilleland, Alternate

Jeff Emory, City Manager – Alternate

I. DOWNTOWN DEVELOPMENT ASSOCIATION

Mayor Gilleland – City Representative

J. LEDA – (Lincoln Economic Development Association)
Mayor Gilleland – City Representative

K. CHAMBER OF COMMERCE
Mayor Gilleland – Board of Directors
Jeff Emory, City Manager – Alternate *Currently*
attends on behalf of the Mayor

L. TOURISM DEVELOPMENT AUTHORITY
Larry Mac Hovis – City Representative

M. TRANSPORTATION ADVISORY COMMITTEE
Currently VACANT

Parliamentary Procedures

(a) Adoption of Rules -
(Roberts Rules of Order -
Abbreviated Version)

(b) Resolution - (R-19-13)
Adopting 2014 Calendar for
City Council meetings

Roberts Rules Abbreviated

LANGUAGE		INTERRUPT SPEAKER?	SECOND NEEDED?	MOTION DEBATABLE?	MOTION AMENDABLE?	VOTE NEEDED?
PRIVILEGED MOTIONS deal with the welfare of the group, rather than with any specific proposal. They must be disposed of before the group can consider any other motion.						
Adjourn the meeting	I move that we adjourn	no	yes	no	no	majority
Recess the meeting	I move we recess until	no	yes	no	yes	majority
Complain about noise, room temperature etc.	Point of privilege	yes	no	no	no	none, chair rules
SUBSIDIARY MOTIONS provide various ways of modifying or disposing of main motions. They must be acted upon before all other motions except privileged motions.						
Suspend debate on a matter without calling for a vote	I move we table the matter	no	yes	no	no	majority
End debate	I move the previous question	no	yes	no	no	2/3 majority
Limit length of debate	I move debate on this matter be limited to	no	yes	no	yes	2/3 majority
Ask for a vote by actual count, to verify a voice vote	I call for a division of the house	no	no	no	no	none*
Postpone consideration of a matter to a specific time	I move we postpone the matter until	no	yes	yes	yes	majority
Have a matter studied further	I move we refer this matter to a committee	no	yes	yes	yes	majority
Consider a matter informally	I move the question be considered informally	no	yes	yes	no	majority
Amend a motion	I move that this motion be amended by	no	yes	yes	yes	majority
Reject a main motion without voting on the motion itself	I move the question be postponed indefinitely	no	yes	yes	no	majority
INCIDENTAL MOTIONS grow out of other business that the group is considering. They must be decided before the group can return to the question that brought them up.						
Correct an error in parliamentary procedure	Point of order	yes	no	no	no	none, chair rules
Object to a ruling by the chair	I appeal the chair's decision.	yes	yes	yes	no	majority
Consider a matter that violates normal procedure, but does not violate the constitution or bylaws	I move we suspend the rules	no	yes	no	no	2/3 majority
Object to considering some matter	I object to the consideration of this matter	yes	no	no	no	2/3 majority
Obtain advice on proper procedure	I raise a parliamentary inquiry	yes	no	no	no	none, chair rules
Request information	Point of information	yes	no	no	no	none
Withdraw a motion	I request leave to withdraw the motion	no	no	no	no	majority
MAIN MOTIONS are the tools used to introduce new business.						
Introduce business	I move that	no	yes	yes	yes	majority
Take up a matter previously tabled	I move we take from the table	no	yes	no	no	majority
Reconsider a matter already disposed of	I move we reconsider our action relative to	yes	yes	yes	no	majority
Strike out a motion previously passed	I move we rescind the motion calling for	no	yes	yes	yes	majority
Consider a matter out of its scheduled order	I move we suspend the rules and consider	no	yes	no	no	2/3 majority

*But majority vote if someone objects.

DRAFT COPY

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LINCOLNTON, NORTH CAROLINA DESIGNATING THE DATE
AND TIME OF THE MONTHLY MEETING OF THE MAYOR AND
CITY COUNCIL IN ORDER TO COMPLY WITH THE OPEN
MEETINGS LAW**

(R-01-14)

WHEREAS, Chapter 143, Article 33 B of the General Statutes of North Carolina (The Open Meeting Law) requires in effect if a public body holds a meeting at any time, it shall give public notice of the time and place of that meeting as provided in GS 143-318.8;

WHEREAS, one of the methods of giving such public notice is to advertise in a newspaper with a circulation in and around the City of Lincolnton; and

WHEREAS, the City Council desires to notify all citizens and residents of the City of Lincolnton of their regular meeting date and time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that the regular meeting of the City Council shall be held the first Thursday of each month at 7:00 p.m. in the Council Chambers of the Lincolnton City Hall, located at 114 W. Sycamore Street, on the following dates and times:

January 2	May 1	September 4
February 6	June 5	October 2
March 6	July 3	November 6
April 3	August 7	December 4

All of these being held in 2014. The City Council meeting in Regular Session on December 5, 2013 established these dates and time and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to January 2, 2014 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards located on the first and second floors of the City Hall, located at 114 W. Sycamore Street. The purpose of this advertisement and the posting of this notice acknowledges the requirement as described in Chapter 143, Article 33 B of the General Statutes of North Carolina.

Adopted this 5th day of December, 2013.

Scheduled Meeting Dates for 2014

N.C. City/County Manager's Association
February 5 - 7, 2014
Sheraton RTP, Durham

National League of Cities - Congressional Meeting
March 8 - 12, 2014
Marriott Wardman Park, Washington, DC

City's Annual Planning Retreat
Saturday, March 1, 2014
City Hall Council Chambers

Town Hall Day - June 4, 2014 - Quorum Center, Raleigh

N.C. City/County Manager's Association
June 19 - 21, 2014
Charlotte, NC

ElectriCities Annual Convention
August 7 - 9, 2014
Pinehurst, NC

NC League of Municipalities Annual Meeting
October 12 - 14, 2014
Greensboro, NC

National League of Cities - Congress of Cities
November 19 - 22, 2014
Austin, Texas

RECESS

REGULAR MEETING

7:00 p.m.

CALL TO ORDER (*Reconvene*) - Mayor Gilleland

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

All items placed under Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

3. Approval of November 2013 minutes.

REGULAR AGENDA

PUBLIC HEARING

4. CU-ZMA-1-2013 - Application from William Wright and William Hovis requesting the conditional use rezoning of property located at 2377 Highway 150 East (Parcel ID 29440). The applicant request the rezoning of Neighborhood Business (NB) to Conditional Use Planned Business (CU-PB). The conditional use permit would allow him to operate an Automobile Sales Lot and Offices on the property.

Laura Simmons, Planning Director

5. CUP-7-2013 - Application from Thomas Ivey requesting a conditional use permit to operate an Automobile Sales Lot in the Planned Business (PB) District. The subject property is located at 210 North Generals Blvd. (Parcel ID 00972).

Laura Simmons, Planning Director

PRESENTATIONS

6. Presentation of the Audit Report for the 2013 fiscal year

Phil Church, Lowdermilk Church & Company, L.L.P.

7. Presentation of the Lincoln County Local Emergency Planning Committee annual report

Fred Jarrett, Chair
Martha Lide, Asst. County Manager

CONTRACTS

(C-21-13)

8. Consideration of contract between the City and Lowdermilk, Church & Co., L.L.P. to perform the 2013-14 audit (\$34,750)

Jeff Emory, City Manager

(C-22-13)

9. Approval of contract between the City and the Lincolnton ABC Board increasing the contribution to the City

T.J. Wilson, City Attorney

APPOINTMENTS

(APPT-04-13)

10. REAPPOINTMENTS: *(To begin serving a second 3 year term January 2014)*

ABC Board (1)	-	Randy Ramsey
Housing Authority (2)	-	Ralph Lineberger
		Chaddie Law
Historic Properties (1)	-	Jimmy Sain
Planning Board (2)	-	Anita McCall
		Tom Hawk

(One Motion required for reappointments)

(APPT-05-013)

11. **NEW APPOINTMENTS:** *(Nominations from applications received, first 3 year term would begin January 2014)*
- Airport Authority (1 vacancy) - John Anderson
 - Housing Authority (1 vacancy) - Mary Frances White
 - Planning Board (2 vacancies) - Bill Ritter
- (Note: Only one application was received - re-advertised beginning Nov. 29th through Dec. 20th)*
- *Denotes that a motion is necessary for each item*

OTHER BUSINESS

12. Request from residents on Bonview Avenue that the stoplight currently set on caution revert back to a stoplight for safety reasons

Ms. Sandy Dellinger,
302 Bonview Avenue

13. Continued discussion on the proposed Special Events/Film policy or ordinance
(NOTE: Should Council wish to proceed with one or both becoming A City Ordinance a public hearing would be required at our January meeting to amend the City's Code)

Laura Simmons, Planning Director

14. Consideration of proposed changes to the City's Animal Control Ordinance as recommended by the County Animal Control Supervisor to be consistent with Lincoln County's Ordinance *(NOTE: Should Council wish to proceed with these changes a public hearing would be required at our January meeting to amend the City's Code)*

Rodney Jordan, Chief of Police

15. Monthly Financial Update / Overtime Report

Jeff Emory, City Manager

PUBLIC COMMENT

*Speakers will be limited to three (3) minutes to address Mayor and City Council concerning Non-Agenda items.
You must sign in with the City Clerk to be eligible to speak*

CLOSED SESSION

In accordance with NCGS -143-318.11(a)(6)
to discuss personnel

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - NOVEMBER 7, 2013

The Mayor and City Council met in regular session on Thursday, November 7, 2013 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street Lincolnton.

Mayor Gilleland called the meeting to order. Mr. Luke Carpenter of a local Boy Scout troop was in attendance and led the Pledge of Allegiance. Council members present were:

RHYNE CLONINGER HEAVNER HOVIS

Councilman Rhyne made the motion unanimously approved the **REGULAR AGENDA**.

Councilman Cloninger made the motion unanimously approved the **CONSENT AGENDA** as follows:

- Approved Minutes from the October 3, 2013 regular meeting
- Approved Resolution (R-15-13) to surplus the gun and badge for retiring Lt. Kenny Shrum – Lincolnton Police Department (*Glock.45 Caliber Model 37 – Serial # GBH533*)
- Approved a Proclamation honoring Veterans Day – November 11, 2013
- Approved the following Calls to Public Hearing for the December 5th City Council meeting:

CU-ZMA-1-2013 – Application from William Wright and William Hovis requesting the conditional use rezoning of property located at 2377 Highway 150 East (Parcel ID 29440). The applicant request the rezoning of Neighborhood Business (NB) to Conditional Use Planned Business (CU-PB). The conditional use permit would allow him to operate an Automobile Sales Lot and Offices on the property.

CUP-7-2013 – Application from Thomas Ivey requesting a conditional use permit to operate an Automobile Sales Lot in the Planned Business (PB) District. The subject property is located at 210 North Generals Blvd. (Parcel ID 00972).

REGULAR MEETING - NOVEMBER 7, 2013

REGULAR AGENDA:

RESOLUTION HONORING LT. KENNY SHRUM – LINCOLNTON POLICE DEPARTMENT ON HIS UPCOMING RETIREMENT – DECEMBER 1, 2013

(R-16-13)

Mayor Gilleland asked Lt. Shrum to come forward to be recognized for his upcoming retirement. He thanked Lt. Shrum for his time and years of service to the citizens of Lincolnton. He read aloud the following resolution of appreciation;

WHEREAS, *Kenneth M. Shrum* began employment with the City of Lincolnton on March 26, 1991 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Kenneth M. Shrum* has proven his leadership qualities, rising through the ranks in 1994 to a Police Sergeant; then in 1999 to a Police Lieutenant where he initially served over the Crime Prevention Division and in 2004 accepted the Lieutenant position with the Patrol Division; and

WHEREAS, *Kenneth M. Shrum* throughout his career committed to providing the highest level of service thru continued training and education which is evidenced by his top honors in Defensive and Precision Driver Training; Advance Law Enforcement Certificate and Associate Degree in Criminal Justice; all while working full time in law enforcement; and

WHEREAS, *Kenneth M. Shrum*, has served as a role model, providing excellent Public Safety in the Law Enforcement Sector, to the citizens of Lincolnton for over twenty two years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Kenneth M. Shrum* honoring him on his upcoming retirement on December 1, 2013, and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of November, 2013.

Lt. Shrum's family was in attendance as he humbly accepted the resolution. He said, "I have enjoyed working for the City and I hope I have made a difference, always trying to serve the City and it's citizens to the best of my ability. I have made suggestions and gave my input on issues, and wish the best to the department and the City. Thank you for allowing me to work and retire as a Police Officer." Lt. Shrum received a standing ovation from the audience.

REGULAR MEETING - NOVEMBER 7, 2013

RESOLUTION HONORING DAVID HESTER – EQUIPMENT OPERATOR FOR STREET & PROPERTY MAINTENANCE – CITY OF LINCOLNTON ON HIS UPCOMING RETIREMENT – DECEMBER 1, 2013

(R-17-13)

Mayor Gilleland asked David Hester to come forward to be presented his resolution recognizing his service to the City. He read aloud the following;

WHEREAS, *Lawrence D. Hester* began employment with the City of Lincolnton on April 22, 1992 as a Street Maintenance Worker I, and has faithfully served in the Street and Property Maintenance Department for twenty-one years; and

WHEREAS, *Lawrence D. Hester* now an Equipment Operator has worked diligently maintaining City Streets, sidewalks, green areas, and City properties for the safety and beautification of our City for its citizens and visitors; and

WHEREAS, *Lawrence D. Hester* during his career received specialized training through UNC, Institute of Transportation Research & Education, for Asphalt Pavement Maintenance to enhance the performance of his duties; and

WHEREAS, *Lawrence D. Hester* has demonstrated unselfish commitment to his job, his fellow employees, and to the citizens of Lincolnton for the continued betterment of our City; and

WHEREAS, it is the desire of the governing body of the City of Lincolnton to recognize and officially commend *Lawrence D. Hester* for his valuable and outstanding service rendered to the City of Lincolnton and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that we congratulate *Lawrence D. Hester* on his upcoming retirement, December 1st, 2013, and wish him continued success in all his future endeavors.

Adopted and presented this the 7th day of November 2013.

David thanked the City for giving him a job, and for recognizing him for his service.

RESOLUTION DESIGNATING AGENT(S) FOR THE CITY TO SUBMIT APPLICATION FOR ASSISTANCE FROM FEMA TO NC DEPARTMENT OF PUBLIC SAFETY – DIVISION OF EMERGENCY MANAGEMENT:

(R-18-13)

Jeff Emory, City Manager recommended Council adopt a resolution designating him and Finance Director Georgetta Williams as the two primary

REGULAR MEETING - NOVEMBER 7, 2013

agents for the City, endorsing an application for reimbursement of funds through FEMA. The proposed resolution read as follows:

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the named individuals, serve as Primary and Secondary agents and are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that those named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof.

BE IT FINALLY RESOLVED that those named agents are authorized to act severally.

PASSED AND APPROVED this the 7th day of November 2013.

Jeff told Council that with the recent approval from the Governor's office to allow several counties to seek federal assistance for the storm damage from the summer, the City could along with the insurance settlement fair much better than originally expected.

Councilman Cloninger made the motion unanimously approved to adopt the resolution authorizing the City Manager as the Primary agent and Georgetta Williams, Finance Director as the Secondary Agent for submitting an application for Federal Emergency Management Assistance through the NC Division of Emergency Management.

CONSIDERATION OF AWARDING PROPOSED CONTRACT FOR SIDEWALK REPAIR ON NEWBOLD ST. AND TIMKEN DRIVE TO CUSTOM PAVING COMPANY IN THE AMOUNT OF \$ 109,333.00:

(C-19-13)

Jeff Emory, City Manager provided Council with information regarding proposed sidewalk installation on Newbold Street and Timken Drive.. He said this project was originally discussed in late 2012 but when the City went to NCDOT to acquire the necessary right-of-way to construct the sidewalk, we

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were informed that as a new standard, NCDOT would have to review and approve the actual construction plans. He said this is the first time the City has been faced with this requirement. He and Mr. Peeler told Council that NCDOT made suggestions several times and the City would go back and adjust the plans according to their requirements. This went back and forth for months. Finally the plans were approved just a few weeks ago.

While the original bid from Skidmore Construction was \$ 53,000, the new proposed bid from Custom Paving Company was \$ 109,333.00. He referenced an email from Assistant Public Works Director Rob Buff explaining the cost difference.

Jeff told Council that if approved he would plan to fund the project through our Powell Bill Funds, and feels we are in a good position to proceed financially. Councilman Rhyne questioned if this price included the engineering cost to redraw the plans numerous times. Mr. Peeler and Mr. Buff told Council plans were revised with no charge to the City.

Councilman Cloninger made the motion unanimously approved to accept the bid from Custom Paving for \$ 109,333.00.

CONSIDERATION OF INSURANCE SETTLEMENT AGREEMENT FROM ALLIED WORLD NATIONAL ASSURANCE COMPANY FOR \$ 225,000.00:

Jeff Emory, City Manager that the City's insurance carrier for property and liability has agreed to a cash settlement of \$ 225,000 for storm damages from the summer flood. He said he is pleased with this settlement and he recommended Council accept the settlement and sign a release agreement.

Jeff said the first offer in writing was much better than we expected, with them offering \$ 185,000 and no premium increase for this year's renewal. Based on advice from our insurance consultant, Jeff counter offered \$ 250,000. They agreed to this offer. He said should Council accept this offer, he would suggest that we take the \$ 225,000 and spend this on the much needed repairs to Betty Ross Park. He told Council the City received more positive news this week as FEMA monies will now be made available to Lincoln County, as it was declared a disaster area by Governor Pat McCrory this week.

REGULAR MEETING - NOVEMBER 7, 2013

Jeff concluded saying the repairs needed to lift stations and other damages to the Waste Water Treatment Plant, must come from savings from the Water and Sewer Fund. He recommended Council approve the release agreement.

Councilman Rhyne made the motion unanimously approved to accept the insurance settlement of \$ 225,000.00, signing the release and to proceed with repairs at Betty Ross Park as soon as possible.

CONSIDERATION OF SPECIAL EVENT AND FILM POLICY/ORDINANCE:

Laura Simmons, Planning Director reviewed a draft of a proposed policy/ordinance regarding special events and filming in downtown Lincolnton. *(A copy of the memo and policy documents are on file and available in the Planning Director's Office for reference)*

After some discussion, this item was tabled with no action was taken to give Council time to review the proposed policy/ordinances. This item will be an agenda item for the December 5th City Council meeting.

UPDATE ON EAST MAIN STREET INTERSECTION PROJECT :

Laura Simmons, Planning Director, provided Council an update on the above mentioned project. She said currently Mike Holder of NCDOT and Leonard Fletcher, of TGS Engineers are discussing the possibility of a City/State partnership on the project in which the City and State would pool their resources to allow for a better project that works for both the City and the State. The City contribution would be 20% local match for the FHWA grant funding and the State contribution being the funding necessary for an entire resurface of the intersection along with construction inspection and oversight and project administration.

Recent State legislation would allow the City to utilize Powell Bill funds for their 20% or \$ 116,250.00 match. Laura said many details still need to be discussed and finalized prior to any formal agreement being drafted. She plans to keep Council abreast of any changes or new information she received regarding this project.

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MONTHLY FINANCIAL UPDATE/OVERTIME REPORT:

Jeff Emory, City Manager reviewed the financial summary provided by the Finance department. He said this month's report reflects significantly more in tax proceeds for this month. He expressed concerns noting we are behind on water and sewer funds at this point compared to last fiscal year. He said the electric fund is \$ 15,000 to the positive while the water and sewer fund is down \$ 178,000. Overtime for last month was up considerably and is up overall from last year this time. Jeff said he has talked to department heads and has asked that overtime be kept to a minimal.

He wanted to make sure that should Council get complaints about the leaf pick up this year, it would be due to the crews not working on Saturdays this year to prevent overtime.

PUBLIC COMMENT:

Mr. Dale Punch thanked the City for their involvement with getting the word out to organizations that NCDOT regulations had changed and more notice and extra paperwork is now required. He said it helped with the planning of the upcoming Veterans Day Parade. He encouraged everyone to please attend and show their support for the veterans on November 11, 2013.

Dale also spoke to Council once again about the need for changes to the Hog Happenin event sponsored by the City. He said, "I am not against Hog Happenin I just want to see some changes made." He expressed concerns about the drinking during the event and the safety off citizens throughout the trick riding.

Councilman Hovis told Dale that the Downtown Development Association (DDA) makes the decision and he should also express his concerns to that committee. He encouraged Dale to attend a meeting of the DDA.

Councilman Rhyne reiterated that no direct funding from the City goes to this event, there is no line item in our budget, the money is expended from DDA.

NEWS MEDIA:

There were no questions from the News Media.

REGULAR MEETING - NOVEMBER 7, 2013

CLOSED SESSION

Councilman Rhyne made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11(a)(6) to discuss personnel.

Councilman Rhyne made the motion unanimously approved to return to Regular Session.

Mayor Gilleland reported that no action was taken in Closed Session.

ADJOURNMENT:

Councilman Cloninger made the motion unanimously approved to ADJOURN the meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

JOHN O. GILLELAND, JR.
MAYOR

ITEM #

4

MEMO TO: Mayor and City Council Members

FROM: Laura Simmons, Planning Director

THROUGH: Jeff Emory, City Manager

SUBJECT: CU-ZMA-1-2013 – Application from William Wright and William Hovis

DATE: December 5, 2013

BACKGROUND

The property requested for rezoning consists of approximately 0.30 acres located at 2377 Highway 150 East (Parcel ID 29440). This site was formerly occupied as Lackey and Whitley Realty. (See attached maps).

The property is currently zoned NB and the applicant requests rezoning to Conditional Use Planned Business (CU-PB) district. The site is located outside of the City limits but within the ETJ. The conditional use permit would allow operation of an automobile sales lot and offices on the property.

Zoning surrounding the site is a mixture of PB, R-25 and NB. Surrounding properties are primarily commercial in nature.

The site is developed with an 1,800 square foot building which will be used for the auto sales lot office and additional offices. The use will operate approximately 9:00 a.m. until 5:00 p.m. Monday through Saturday and will have one employee. There are 12 parking spaces on site and approximately 6 to 8 of these spaces will be used for vehicle sales.

LAND USE PLAN COMPLIANCE

The Lincolnton Land Use Plan designates the property in the Neighborhood Business Corridor Planning Area. This planning area is found along major highways leading into and out of Lincolnton. The requested zoning is generally consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review committee met on November 12, 2013 to consider this application and made the following comments:

1. An occupancy permit must be approved by the Lincoln County Inspections Department.
2. Driveway permit must be obtained from NCDOT.

DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use put on the property after it is rezoned. Unlike a standard rezoning where all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant proposes to limit the use of the property to reuse of the existing structures for an auto sales lot and offices.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets all the requirements of the Ordinance.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

The UDO requires that four findings be determined by the City Council in order to approve the request and they are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH UDO

1. It does not appear that the use will endanger the public health or safety.
2. The proposed use meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property.
4. The use is in compliance with the land use plans for the area.

PLANNING BOARD AND STAFF RECOMMENDATION

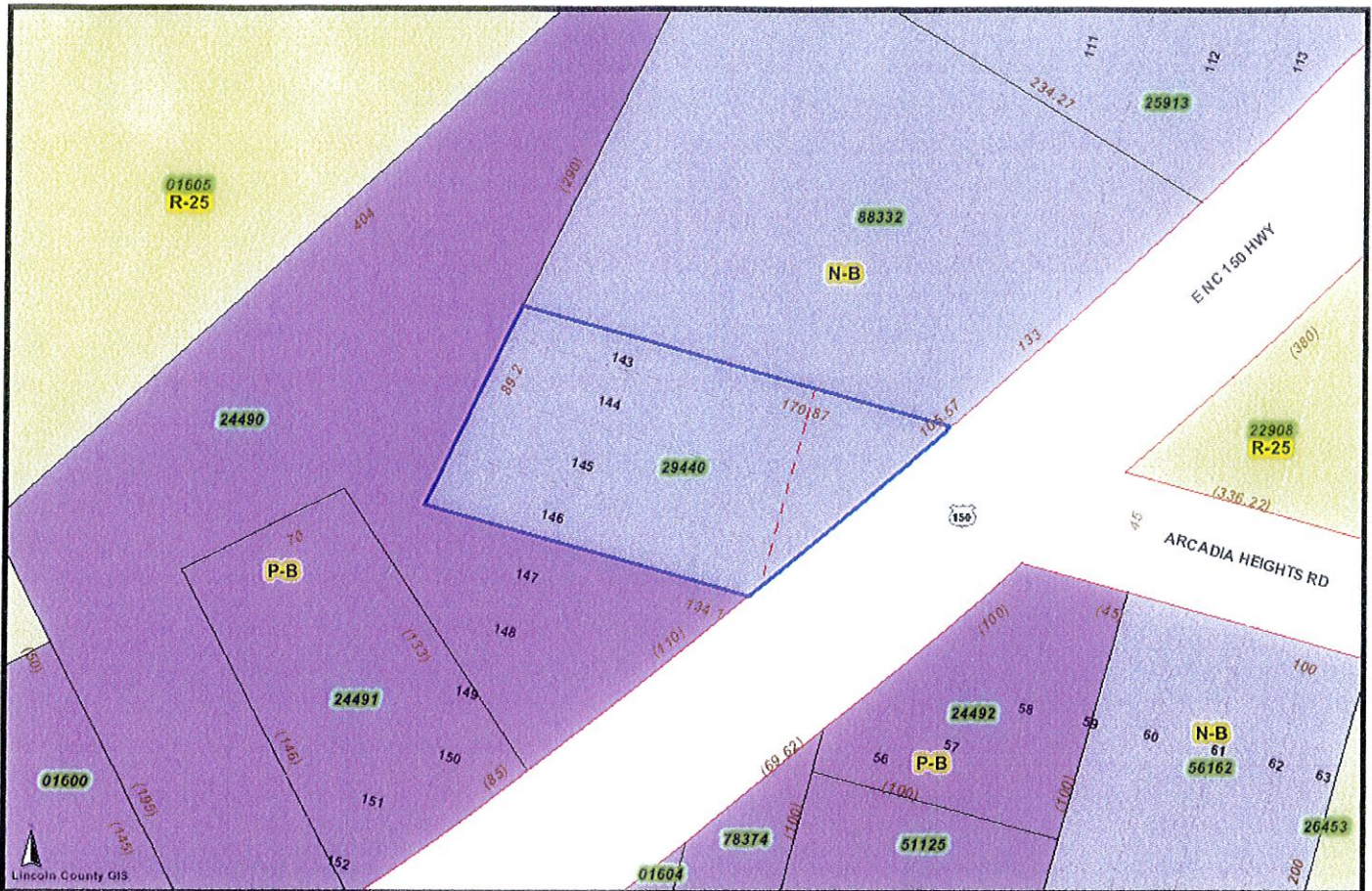
1. Approve rezoning the property from NB to CU-PB.
2. Approve the Conditional Use Permit for re-use of the existing structures for an auto sales lot and offices subject to the Staff Review Committee comments.



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division
Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.

Date: 10/22/2013 Scale: 1 Inch = 73 Feet



PHOTOS



29440



29440

PARCEL INFORMATION FOR 3643-48-1224

Parcel ID	29440	Owner	WRIGHT WILLIAM E JR WRIGHT STACY HOVIS		
Map	3643-06	Mailing	2695 QUEENS DR		
Account	0248362	Address	LINCOLNTON NC 28092		
Deed	2414-946	Recorded	8/21/2013	Sale Price	\$115,000
Land Value	\$39,204	Total Value	\$143,283	Previous Parcel	
----- All values are for tax year 2013. -----					
Subdivision	Lot 143-146 & ADJ TR	ARCADIA HGTS	Plat	A-52	
Description	#143-146 ARCADIA HGTS			Deed Acres	0
Address	2377 E NC 150 HWY			Tax Acres	0.3
Township	IRONTON			Tax/Fire District	BOGER CITY
Main Improvement	OFFICE CONVERSION			Value	\$98,139
Main Sq Feet	1800	Stories	1.5	Year Built	1952
Unfinished Basement	1080				
Zoning	Calculated	Voting Precinct	Calculated Acres		
District	Acres	ASBURY (AS25)	0.3		
N-B	0.3				
Watershed Class		Sewer District			
Not in a watershed	0.3	Not in the sewer district	0.3		
2000 Census County		Tract	Block		
37109		070200	5013	0.3	
Flood	Zone Description	Panel			
X	NO FLOOD HAZARD	3710364300	0.3		

Scale: 1 Inch = 41 Feet

LINCOLN COUNTY GIS

Tue Oct 22 09:39:22 EDT 2013



County Boundaries	Map Features	Creeks	Right-of-Ways	Parcels
County Line	Road Easement	Interior Lot Line	Roads	Private Roads
Township Line	Conflict Line	Drainage Easement	Railroads	Lake Norman
	Major Rivers, Creeks (cont)	Utility Easement	Public Walkway	2010 State Ortho

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Google earth

feet 10
meters 3



ITEM #

5

MEMO TO: Mayor and City Council Members

FROM: Laura Simmons, Planning Director

THROUGH: Jeff Emory, City Manager

SUBJECT: Conditional Use Permit Application from Thomas Ivey (CUP-7-2013)

DATE: December 5, 2013

BACKGROUND

Thomas Ivey is requesting a conditional use permit to operate an automobile sales lot in the Planned Business (PB) District.

The subject property is located at 210 North Generals Boulevard and is developed with World Wide Imports. The applicant will use a building on the property that was formerly occupied as Goodson Realty. (See attached maps).

SITE AND AREA DESCRIPTION

The proposed sales lot will occupy an existing 1,080 square foot building on the property. Approximately 40 of the 159 existing parking spaces on site will be used for the automobile sales lot with parking provided for the sales lot employees and for each automobile offered for sale. Worldwide Imports will use the remaining parking spaces and is required to provide 100 parking spaces for their use.

The sales lot will operate Monday through Saturday from approximately 9:00 a.m. until 5:00 p.m. There will be two employees.

Adjacent land uses to the north, south and west are commercial. Residential uses are located to the east. An existing screened buffer will screen the use from adjoining residential properties.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the Lincolnton Unified Development Ordinance requires that conditional use permit applications contain specific terms and meet specific conditions. The application meets all the requirements of that section.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Lincolnton Unified Development Ordinance requires that the City Council make the following findings:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the city as officially adopted by the City Council.

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The proposed use meets all required conditions and specifications.
3. The use does not appear to be one that will have any negative impacts on the value of adjoining or abutting properties.
4. The use is in conformity with the Lincolnton Land Use Plan in that the site is located within the Planned Business Planning Area

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review committee met on November 12, 2013 to consider this application and made the following comments:

1. An occupancy permit must be approved by the Lincoln County Inspections Department.
2. Driveway permit must be obtained from NCDOT.

PLANNING BOARD AND STAFF RECOMMENDATION

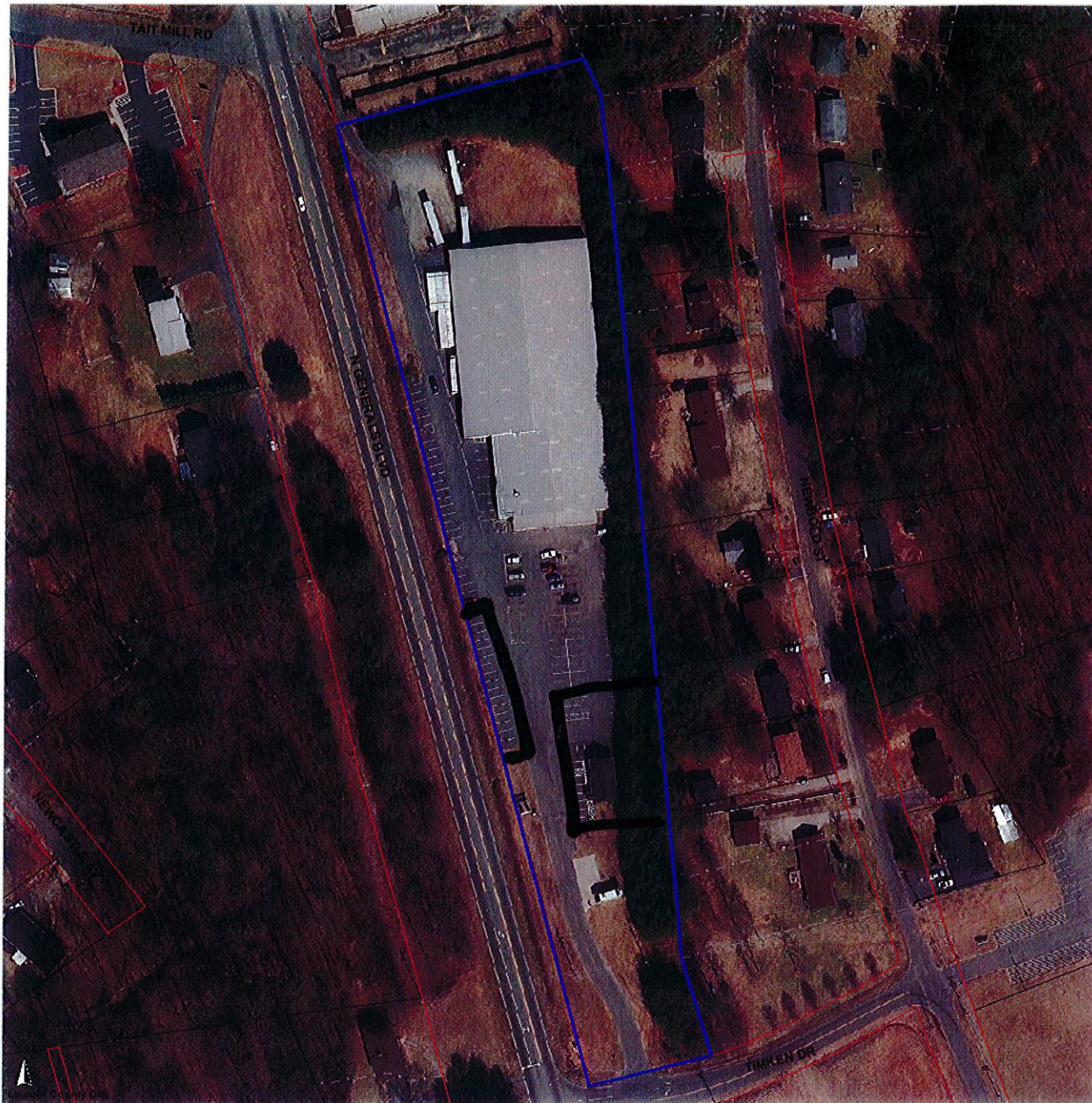
Planning Board and Staff recommend approval of the conditional use permit subject to the Staff Review Committee comments.

Scale: 1 Inch = 175 Feet

GIS

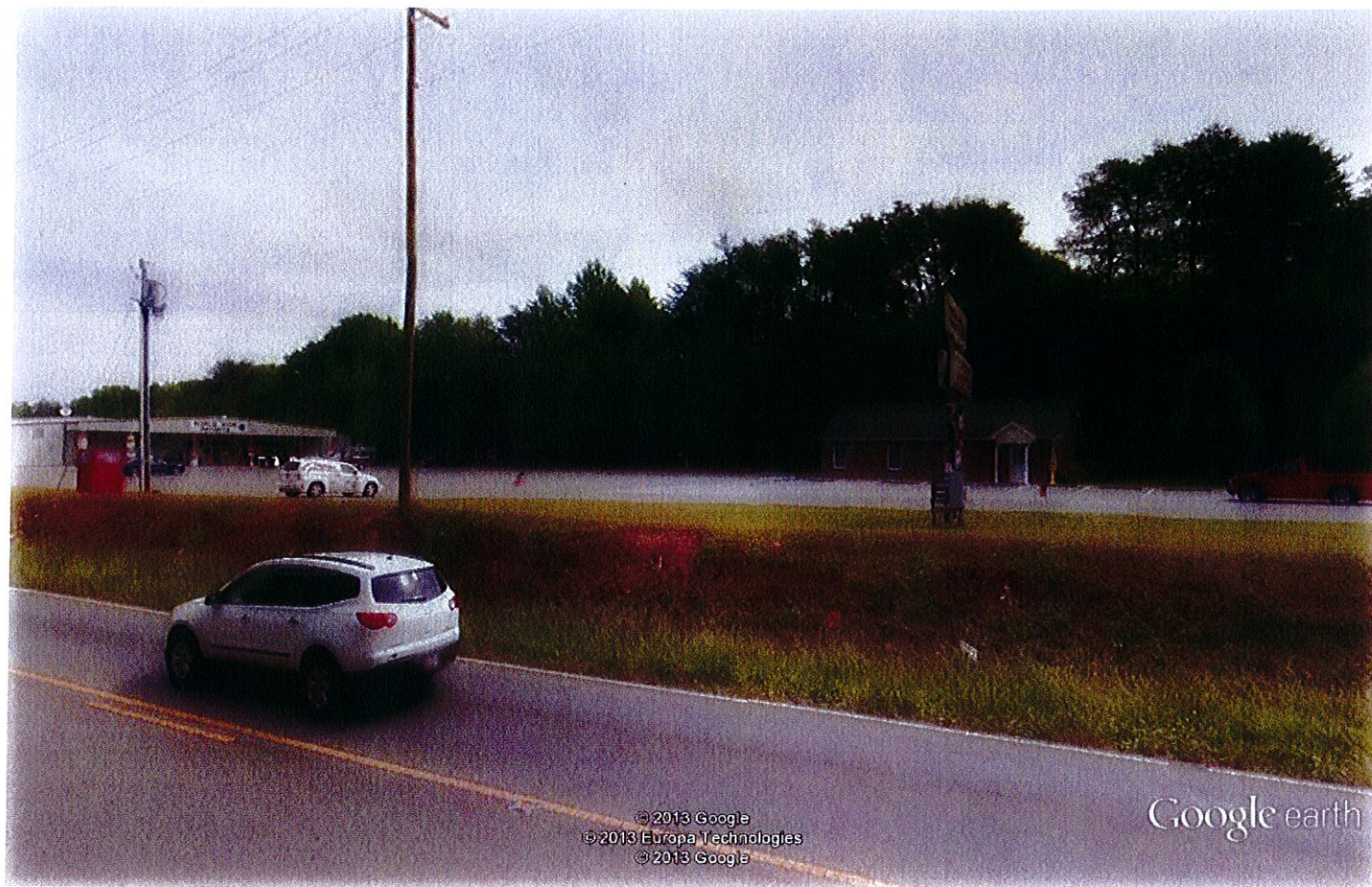
LINCOLN COUNTY

Mon Nov 25 15:33:48 EST 2013



County Boundaries	Map Features	Creeks	Right-of-Ways	Parcels
County Line	Road Easement	Interior Lot Line	Roads	Private Roads
Township Line	Conflict Line	Drainage Easement	Railroads	2010 State Ortho
	Major Rivers, Creeks (cont)	Utility Easement	Public Walkway	

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Google earth

feet 10
meters 4



ITEM #

6

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
John L. Cloninger, Mayor Pro-Tem
Devin Rhyne
Carroll Heavner
Larry Mac Hovis



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

MEMORANDUM

TO: Mayor and City Council Members

FROM: Jeff Emory, City Manager *JE*

SUBJECT: Presentation of Annual Financial Report

DATE: November 29, 2013

Members of Lowdermilk Church and Company will present the annual Comprehensive Financial Report for the City at the December council meeting. As part of the presentation a representative of the auditing firm will go over a summary of the City's financial status as of June 30, 2013. I have attached to this memorandum information which provides a summary of the City's financial standing for the past five years. This information pertains to the three major funds of the City. The Occupancy Tax Fund and Powell Bill Fund are not included on this graph, but they are obviously included within the audit report.

We know the importance of maintaining healthy fund balances. The state of North Carolina requires at least eight percent (8%) fund balance, and recommends at least sixteen percent (16%). We exceed this amount in each fund of the City. However, if you look at the trend taking place in the General Fund, which is the largest of the three funds, you will see a steady decline in fund balance percentage. I think the City needs to be extremely cautious about maintaining a healthy balance in the General Fund as we move forward. The Water & Sewer Fund has a fund balance of over fifty percent (50%), but what alarms me here is the fact water and sewer sales are significantly down for the current fiscal year. We could see a significant drop in fund balance at the end of the 2014 fiscal year. The Electric Fund also shows a significant drop in fund balance from five (5) years ago, but we seem to have leveled this out and are currently right at thirty percent (30%).

MEMORANDUM

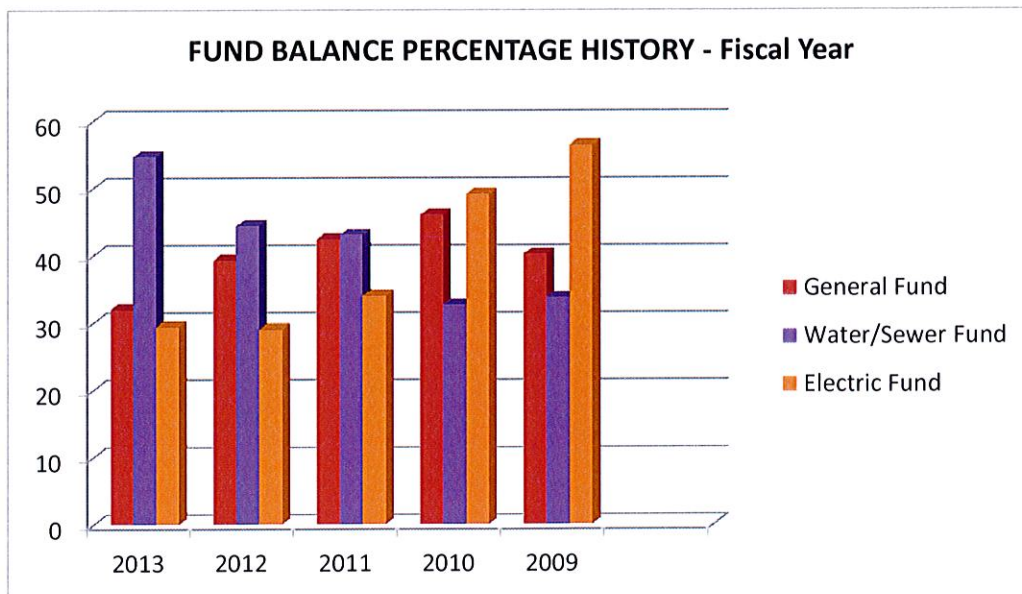
Presentation of Annual Financial Report

Page 2

There were no deficiencies found in the audit, and we are receiving a clean report. I want to specifically thank Georgetta Williams and the finance department for all of their hard work in putting this together. I would also like to say that we continue to have a very healthy relationship with our audit firm. If there are any questions pertaining to any part of the financial report after the meeting, a representative from Lowdermilk Church and Company will be happy to answer these questions. Thank you

FUND BALANCE PERCENTAGE HISTORY BY FISCAL YEAR

	2013	2012	2011	2010	2009
General Fund (excluding Powell Bill)	31.98	39.32	42.41	46.05	40.2
Water/Sewer Fund	54.73	44.44	43.08	32.73	33.83
Electric Fund	29.42	29.04	34.04	49.09	56.42



ITEM #

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City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Fred JARRETT
Address 213 Hollow Road Phone 704-748-3365
Lincolnton, NC 28092

Name of Firm or Corporation (if applicable) Lincoln County LEPCOther Persons Accompanying Speaker Martha LidePurpose of Request to Appear To present Annual Report of Lincoln County
Local Emergency Planning CommitteeCouncil Meeting date you wish to appear December 5, 2013Amount of time required for Presentation 15 minutesDate form submitted to the City Clerk 10/14/13

Martha Lide / Bill Hummer
Signature of Requesting Party

Return forms to:

City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

ITEM #

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CITY OF LINCOLNTON

FINANCE DEPARTMENT

Georgetta S. Williams
Finance Director
georgettawilliams@ci.lincolnton.nc.us
FAX (704) 736-8999



UTILITY BILLING DEPARTMENT

Myrl L. Peeler
Utility Customer Services Supervisor
myrlpeeler@ci.lincolnton.nc.us
Fax (704) 736-8955

MEMO TO: JEFF EMORY, CITY MANAGER

MEMO FROM: GEORGETTA WILLIAMS
FINANCE DIRECTOR *GW*

MEMO DATE: NOVEMBER 26, 2013

RE: AUDIT CONTRACT

Please see the attached letter and a copy of the proposed contract for fiscal year 2014 from Mr. Phil Church of Lowdermilk Church and Company.

I am pleased to inform you that the company is proposing NO rate increases to their current fees. Their contract amount is for \$ 34,750, which is still lower than our 2005 (nine fiscal years ago) contract with Cherry, Bekaert and Holland of \$ 36,700. Their fee also includes the printing of 50 audits and that was an additional cost paid separately to the printing company in 2005 and prior years.

Also, they have completed single audits for us when grant fund spending exceeds the \$ 500K threshold such as Powell Bill funds and CMAQ (Rail-Trail) funds without charging extra for the single audit. In the past, other auditing firms charged extra for the completion of any single audits.

One very important element in regards to audit contracts is that the Local Government Commission provides oversight. They must approve all audit contracts and invoicing, which is a positive benefit for local governmental units.

Another key benefit is that Lowdermilk, Church and Company performs the audit for the City's component unit, City of Lincolnton ABC Board; this information must be included in our audit. By utilizing the same auditing firm, this facilitates the completion of our audit on a timely basis, whereas in the past the City has experienced delays waiting for the information from another firm.

The staff and I are very pleased with the expertise and professionalism of their staff. They have always been available to address any questions that may arise throughout the year. Technically, the auditors are not obligated to answer any questions or concerns from the City unless we are under a contract; and therefore, we wish to proceed with the contract in case we would need their services.

I am recommending that the City of Lincolnton accept the proposed auditing contract from Lowdermilk, Church and Company. Thank you for your consideration in this matter.

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

121 N. Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

Ms. Georgetta Williams
Finance Director
City of Lincolnton
114 West Sycamore Street
Lincolnton, North Carolina 28093

November 26, 2013

Dear Ms. Williams:

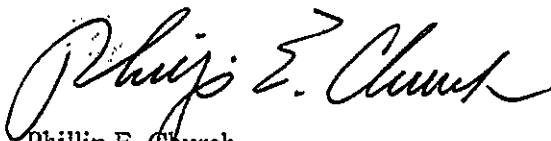
Our fee for the audit of the City of Lincolnton for the year ended June 30, 2014 will remain at \$34,750 (no increase). The fee is not only for the audit but also includes preparation of the AFIR for the Local Government Commission, preparation of the unit data report for the Local Government Commission, assistance with the comments for the GFOA regarding the CAFR and general assistance during the year with accounting questions.

Our fee has always included all of the additional services as we previously noted.

Also, we will be performing the audit for the City of Lincolnton ABC Board for the year ended June 30, 2014 and the Lincolnton Housing Authority audit for the year ended September 30, 2013.

If you should need additional information regarding our fee, please contact me.

Best regards,



Phillip E. Church
Partner

PEC/jam

CONTRACT TO AUDIT ACCOUNTS

Of City of Lincolnton

Governmental Unit

On this 26th day of November, 2013, Lowdermilk Church & Co., L.L.P.121 North Sterling Street, Morganton, NC 28655

Auditor

Mailing Address

_____, hereinafter referred to as
 the Auditor, and City Council of City of Lincolnton, hereinafter referred
 as the Governing Board of Governmental Unit
 to as the Governmental Unit, agree as follows:

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the period beginning July 1, 2013, and ending June 30, 2014. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate discretely presented component units, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).
3. This contract contemplates an unqualified opinion being rendered. If financial statements are not prepared in accordance with GAAP, or the statements fail to include all disclosures required by GAAP, please provide an explanation for that departure from GAAP in an attachment.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards*, the Auditor shall provide an explanation as to why in an attachment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: October 31, 2014. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the LGC for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] The process for

Contract to Audit Accounts (cont.) City of Lincoln

(Name of Governmental Unit)

invoice approval has changed. All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent through the portal at: <http://nctreasurer.slgfd.leapfile.net>. Subject line should read "Invoice - only. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor for them to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] \$ _____

Audit 28,950

Preparation of the annual financial statements 5,800

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. The 75% cap for interim invoice approval for this audit contract is \$ 26,000

10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.
11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed prior to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements are used in the preparation of official statements for debt offerings (the Auditors' opinion is not included), by municipal bond rating services, to fulfill secondary market disclosure requirements of the Securities and Exchange Commission, and other lawful purposes of the Governmental Unit, without subsequent consent of the Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless, another time frame is agreed to by the LGC.

The LGC's process for submitting contracts, audit reports and Invoices are subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

In addition, if the OSA designates certain programs to be audited as major programs, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor.
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net>. No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

Contract to Audit Accounts (cont.)

City of Lincolnton

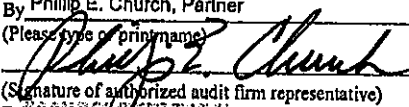
(Name of Governmental Unit)

16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item 17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 23 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.
17. Special provisions should be limited. Please list any special provisions in an attachment. See attached engagement letter.
18. A separate contract should not be made for each division to be audited or report to be submitted. A separate contract must be executed for each component unit which is a local government and for which a separate audit report is issued.
19. The contract must be executed, pre-audited, physically signed by all parties and submitted in PDF format including Governmental Unit and Auditor signatures to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net>. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of September 4, 2013. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. The Auditor acknowledges that any private employer transacting business in this State who employs 25 or more employees in this State must, when hiring an employee to work in the United States, use E Verify to verify the work authorization of the employee in accordance with N.C.G.S. §64-26(a). The Auditor acknowledges further that any such private employer and its subcontractors must comply with all of the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (North Carolina's E-verify law), and that such private employer has a duty under the law to ensure compliance by its subcontractors. The Auditor further acknowledges that this contract is of the type governed by S.L. 2013-418, which makes it unlawful for a local government to enter into certain types of contracts unless the contractor and its subcontractors comply with North Carolina's E-verify law, and that failure to comply with such law could render this contract void. The Auditor hereby covenants, warrants and represents for itself and its subcontractors that with respect to this contract the Auditor and its subcontractors shall comply with the provisions of North Carolina's E-verify law and that failure to comply with such law shall be deemed a breach of this contract and may render this contract void. N/A
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16.)
24. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

Firm Lowdermilk Church & Co., L.L.P.By Phillip E. Church, Partner

(Please type or print name)



(Signature of authorized audit firm representative)

Email Address of Audit Firm

pechurch@bellsouth.netDate 11-26-13

Governmental Unit Signatures:

By John O. Gilleland, Jr.

(Please type or print name and title)

(Signature of Mayor/Chairperson of governing board)

Date _____

Date Governing Body Approved Audit Contract: C.S. 159-33(a)

Date: _____

Unit Signatures (continued):

By N/A

(Chair of Audit Committee- please type or print name)

(Signature of Audit Committee Chairperson)

Date _____

(If Governmental Unit has no audit committee, this section should be marked "N/A.")

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

Georgetta Williams

Governmental Unit Finance Officer (Please type or print name)

(Signature)

Email Address of Finance Officer _____

Date _____

(Preaudit Certificate must be dated.)

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

121 N. Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

The Honorable Mayor and Members
of the City Council
City of Lincolnton
Lincolnton, NC 28092

November 26, 2013

We are pleased to confirm our understanding of the services we are to provide City of Lincolnton for the year ended June 30, 2014. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Lincolnton as of and for the year ended June 30, 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Lincolnton's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Lincolnton's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited.

1. Management's Discussion and Analysis.
2. Budgetary Comparison Information.
3. Law Enforcement Officers Special Allowance and Other Postemployment Benefits Schedule of Funding Progress and Schedules of Employer Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies City of Lincolnton's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of Expenditures of Federal and State Awards.
2. Combined and Individual Nonmajor Fund Financial Statements.
3. Budgetary Schedules.
4. Other Schedules.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditors' report will not provide an opinion or any assurance on that other information.

1. Introductory Information.
2. Statistical Information.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of Lincolnton and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements as required by Government Auditing Standards. The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that City of Lincolnton is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in Government Auditing Standards may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants, for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on the your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Audit Procedures--General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and Government Auditing Standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures--Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and Government Auditing Standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Lincoln's compliance with the provisions of applicable laws, regulations, contracts, agreements and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Lowdermilk Church & Co., L.L.P. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Local Government Commission or its designee, a federal or State agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Lowdermilk Church & Co., L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Local Government Commission. If we are aware that a federal-awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately August 20, 2014 and to issue our reports no later than October 31, 2014. Phillip E. Church is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$34,750. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

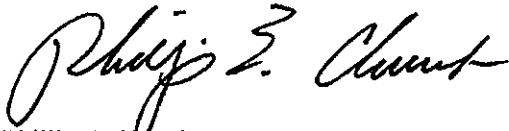
You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

We are providing you with a copy of our 2012 external peer review report which accompanies this letter.

We appreciate the opportunity to be of service to City of Lincolnton and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Phillip E. Church
Partner

RESPONSE:

This letter correctly sets forth the understanding of City of Lincolnton.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____

Directory of Governmental Unit and Audit Firm Officials

City of Lincolnton
Governmental Unit

Lowdermilk Church & Co., L.L.P.
Auditor for the 2013-2014 Fiscal Year

GOVERNMENTAL UNIT

AUDITOR

1. ELECTED OFFICIAL:

(Mayor for Municipalities and chairperson of governing board for all other units)

John O. Gilleland, Jr.

Name

Mayor

Title

2. MANAGER:

(Or person who serves in this capacity e.g. Administrator, Executive Director, etc.)

Jeff B. Emory

Name

City Manager

Title

3. FINANCE OFFICER:

Georgetta Williams

Name

Finance Director

Title

(704) 736-8980

Phone No.

(704) 736-8999

Fax No.

georgettawilliams@ci.lincolnton.nc.us

E-Mail Address

1. CONTACT PERSON:

Partner or other person with legal authority to contract for the firm)

Phillip E. Church

Name

Partner

Title

(828) 433-1226

Phone No.

(828) 433-1230

Fax No.

ceavery@bellsouth.net

E-Mail Address

2. AUDITOR ANTICIPATES PREPARING THE FOLLOWING TYPE OF REPORT:

(Check the appropriate box)

☐ General Purpose Financial Statements with combining, individual fund, and account group financial statements, and schedules required by the LGC

☒ Comprehensive Annual Financial Report (CAFR) including schedules required by the LGC

Notes:

1. Please type all information on this questionnaire.
2. The audit firm representative, the elected official, and the finance officer reported on this questionnaire should agree with the persons reported on the Contract to Audit Accounts.
3. The information on this questionnaire will be used in official correspondence from the Local Government Commission, and the Commission must be notified of any changes in the persons holding these positions.



Certified Public Accountants and Advisors Since 1947

System Review Report

September 27, 2012

To the Partners of Lowdermilk Church & Co., L.L.P.
and the Peer Review Committee of the North Carolina
Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Lowdermilk Church & Co., L.L.P. (the firm) in effect for the year ended May 31, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Lowdermilk Church & Co., L.L.P. in effect for the year ended May 31, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Lowdermilk Church & Co., L.L.P. has received a peer review rating of *pass*.

Bernard Robinson & Company, LLP

BERNARD ROBINSON & COMPANY, L.L.P.

ITEM #

9

Contract for ABC Law Enforcement

State of North Carolina

ABC Board of Lincolnton

THIS CONTRACT is entered into on this the ____ day of _____, 2013, by and between the Lincolnton ABC Board (hereinafter "ABC Board") and the City of Lincolnton (hereinafter "Agency") for the purposes set forth below:

WHEREAS, North Carolina General Statute Chapter 18B required that the ABC Board either hire an ABC law enforcement officer or contract for ABC law enforcement with a local law enforcement agency; and

WHEREAS, the ABC Board is required by law to expend at least 5% of profits for ABC law enforcement; and

WHEREAS, the ABC Board is of the opinion that contracting with the Agency for ABC law enforcement would constitute the most efficient use of its ABC law enforcement funds; and

WHEREAS, the Agency agrees to provide ABC law enforcement in Lincolnton in return for the agreed funding;

NOW, THEREFORE, IT IS AGREED that:

1. The Agency shall provide ABC law enforcement in Lincolnton in return for the sum of \$40,000.00 annually, to be paid in quarterly installments. This amount shall be adjusted as needed to equal the amount required by North Carolina General Statute 18B-805(c)(2) to be expended on ABC law enforcement.
2. The Agency shall provide ABC law enforcement within the boundaries of Lincolnton, and it shall report at least quarterly to the ABC Board on its ABC law enforcement activities.
3. The Agency shall be solely responsible for hiring, equipping and supervising the officer or officers who are charged with the duty of enforcing the ABC laws, and the Agency agrees to indemnify, and hold harmless, the ABC Board for any liability arising from the activities of said officers.
4. The Agency shall give priority to specific requests from the ABC Board for assistance in such matters as ABC store security, protection of ABC store deposits, and the investigation of internal and external theft (this list of duties should be tailored to the ABC Board's expectations).

5. The Agency shall report to the ABC Board by the 5th business day of each month on a form developed by the Commission the following:
- a. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at ABC permitted outlets.
 - b. The number of arrests made for ABC law, Controlled Substance Act, or other violations, by category, at other locations.
 - c. The number of agencies assisted with ABC law or controlled substance related matters.
 - d. The number of alcohol education and responsible server programs presented.
6. This contract shall continue in effect until such time as either party desires to cancel the contract and gives notice of cancellation as follows:
7. This contract may be canceled by either party upon 30-day notice to the other party, which notice shall be given in writing.

Effective the ____ day of _____, 2013.

Lincolnton ABC Board

By: _____

City of Lincolnton
John O. Gilleland, Jr.

Attest: _____
City of Lincolnton
Donna C. Flowers
City Clerk

Jeff B. Emory
City Manager

ITEM #

10

RE-APPOINTMENTS

LINCOLNTON A B C BOARD

**RANDY RAMSEY
915 N. OAK STREET
LINCOLNTON, NC 28092**

1st TERM

JANUARY 2011 – DECEMBER 2013

**ED HATLEY
402 VICTOR STREET
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2012 – DECEMBER 2014

**MIKE OWEN - CHAIRMAN
718 EAST PARK DRIVE
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2013 – DECEMBER 2015

CARROLL HEAVNER - CITY COUNCIL REPRESENTATIVE

LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY

**LEON HARMON
701 E. PARK DRIVE
LINCOLNTON, NC 28092**

appointed 10-3-13 to fill the un-expired term of Joe Polhill

OCTOBER 2013 – DECEMBER 2015

**JOHNNY JAMES
645 HEATHER DRIVE
LINCOLNTON, NC 28092**

**1ST TERM
2ND TERM**

**OCTOBER 2007 – DECEMBER 2010
JANUARY 2011 – DECEMBER 2013**

**FRED HOUSER
619 E. MCBEE STREET
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2012– DECEMBER 2014

**NOTE: Ratified House Bill 36 - re-establishing the Lincolnton-Lincoln County
Airport - 1996**

LARRY MAC HOVIS - CITY COUNCIL REPRESENTATIVE

HISTORIC PROPERTIES COMMISSION

JIMMY SAIN
328 EAST CONGRESS STREET
LINCOLNTON, NC 28092

1ST TERM

JANUARY 2011 – DECEMBER 2013

BECKY BURKE
873 W. HWY. 27
LINCOLNTON, NC 28092

1 TERM

JANUARY 2012 – DECEMBER 2014

NOTE: Send appointee/term to Lincoln County Clerk to the Board of Commissioners

LINCOLNTON HOUSING AUTHORITY

RALPH LINEBERGER
310 NORTH GOVERNMENT STREET
LINCOLNTON, NC 28092

1ST TERM

JANUARY 2011 – DECEMBER 2013

DUKE PEELER
917 SOUTH ASPEN STREET
LINCOLNTON, NC 28092

(appointed 7-11-11 to fill the un-expired term of Paul Byrd)

1ST TERM

JANUARY 2012 – DECEMBER 2014

CHADDIE LAW
121 MAUNEY DRIVE
LINCOLNTON, NC 28092

appointed 7-5-12 to fill the un-expired term of Earline Johnson

JULY 2012 – DECEMBER 2013

TOMMY HOWARD
P.O. BOX 773 (1452 S. ASPEN STREET)
LINCOLNTON, NC 28093

1ST TERM
2ND TERM

MAY 2008 – JANUARY 2011
JANUARY 2011 – DECEMBER 2013

JIM PEELER
607 W. BONVIEW AVE.
LINCOLNTON, NC 28092

1ST TERM
2ND TERM

JULY 2009 – DECEMBER 2011
JANUARY 2012 – DECEMBER 2014

LARRY MAC HOVIS - CITY COUNCIL REPRESENTATIVE

**LINCOLNTON PLANNING BOARD
BOARD OF ADJUSTMENT**

**ANITA McCALL
915 DANBROOK CIRCLE
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2011 – DECEMBER 2013

**JILL EADDY
208 MOCKINGBIRD LANE
LINCOLNTON, NC 28092**

2ND Alternate

**1ST TERM
2ND TERM**

**JANUARY 2009 THRU DECEMBER 2011
JANUARY 2012 – DECEMBER 2014**

**KATHRYN YARBRO
807 DANBROOK CIRCLE
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2013 – DECEMBER 2015

**CANDY BURGIN
986 McREE ROAD
LINCOLNTON, NC 28092**

**1ST TERM
2ND TERM**

**JANUARY 2010 THRU DECEMBER 2012
JANUARY 2013 THRU DECEMBER 2015**

**THOMAS HAWK
105 McKELLAR STREET
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2011 – DECEMBER 2013

**PLANNING BOARD/BOARD OF ADJUSTMENT
PAGE 2**

**RENEE COULTER
215 NEWBOLD STREET
LINCOLNTON, NC 28092**

1ST Alternate

**1ST TERM
2nd TERM**

**AUGUST 2007 THRU DECEMBER 2010
JANUARY 2011 – DECEMBER 2013**

LINCOLN COUNTY - ETJ REPRESENTATIVE

**RONDELL BURKE
873 W. HWY 27
LINCOLNTON, NC 28092**

**1st TERM
2ND TERM**

**MAY 2008 THRU DECEMBER 2010
JANUARY 2011 – DECEMBER 2013**

**WORTH ROBERTS
311 N. OAK STREET
LINCOLNTON, NC 28092**

3rd Alternate

**1ST TERM
2ND TERM**

**JANUARY 2010 THRU DECEMBER 2012
JANUARY 2013 THRU DECEMBER 2015**

LINCOLNTON-LINCOLN COUNTY RECREATION COMMISSION

**LANCE CARROLL
101 ROBIN ROAD
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2012 – DECEMBER 2014

**MARCUS MULLEN
710 E. PARK DRIVE
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2012 – DECEMBER 2014

**CYNTHIA KOEHLER
201 WELLINGTON DR.
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2013 - DECEMBER 2015

**CHRISTOPHER BROGDEN
627 N. LAURAL STREET
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2013 - DECEMBER 2015

**GEORGE BROOKINS
668 HEATHER DRIVE
LINCOLNTON, NC 28092**

1ST TERM

JANUARY 2013 - DECEMBER 2015

DEVIN RHYNE - CITY COUNCIL REPRESENTATIVE

LINCOLNTON TOURISM DEVELOPMENT AUTHORITY

**FRAN MANLEY
HAMPTON INN – General Manager
LINCOLNTON, NC**

1ST TERM

JANUARY 2013 – DECEMBER 2014

COUNCILMAN LARRY MAC HOVIS - CHAIR 404 VICTOR STREET LINCOLNTON, NC 28092	(CITY COUNCIL REPRESENTATIVE)
--	--

**JEFF EMORY
CITY MANAGER**

EX-OFFICIO

**DONNA FLOWERS
CITY CLERK**

SECRETARY

**GEORGETTA WILLIAMS
FINANCE DIRECTOR**

TREASURER

ITEM #

11

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
John L. Cloninger, Mayor Pro-Tem
Devin Rhyne
Carroll Heavner
Larry Mac Hovis



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

CITY OF LINCOLNTON NOTIFICATION OF OPENING FOR BOARDS, COMMITTEES, AND COMMISSIONS

The City of Lincolnton is now accepting applications from City residents who are interested in serving on the following City Board(s) and or Commission(s):

Airport Authority (1 vacancy)
Housing Authority (1 vacancy)
Planning Board (2 vacancies)

The appointment term would begin January 1, 2014 through December 2016. Applications are available online at www.ci.lincolnton.nc.us or at the City Clerk's Office, located on the second floor of City Hall. Application deadline is 5:00 p.m., November 13, 2013.

For additional information regarding vacancies, please contact Donna Flowers, City Clerk at (704)736-8980 or donnaflowers@ci.lincolnton.nc.us.

Advertise 3t: Monday, October 21, 2013
Wednesday, October 30, 2013
Friday, November 8, 2013



Application for Boards/Commissions/Committees Lincolnton City Council

Please complete each section

Full Name John Thomas Anderson Date of Birth 7/22/49

Home Address 103 CARDINAL COURT

Home Phone 704-735-3164

Current Employer Anderson Properties

Job Title President Years in current position 40

Business Phone 704-735-8831 Fax _____

E-Mail Address john@andersonpropertiesnc.com

Duties _____

Other employment history _____

It is the City Council's goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and Council Ward residency.

Council Ward No. _____

Male ☒ Female _____

White ☒ Black _____ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form)

Airport Authority

Generally, the Council desires to broaden participation on Boards /Commissions /Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 1 Board/Commission/Committee. Therefore, please list any other Board/Commission/Committee on which you currently serve:

Why are you interested in serving on this Board/Commission/Committee? _____

My small way of helping with the future of Lincolnton - Lincoln County

Interest/Skills/Areas of Expertise/Professional Organization/Activities

MANAGEMENT - Budgets - Real Estate development &
Licensed CONTRACTOR -

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No ✓ If yes, please explain disposition _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as a appointee of the City Council? Yes _____
No ✓

If yes, please explain

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/ Committee. I understand regular attendance to any Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less then the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature



Date

8/15/13

Form is invalid if not signed and dated

Return completed for to:

Donna C. Flowers

City Clerk's Office

P.O. Box 617

Lincolnton, North Carolina 28092

Phone: (704) 736-8980

Fax: (704) 736-8995

Email: donnaflowers@ci.lincolnton.nc.us

RECEIVED NOV 05 2013

Called by phone
to reapply / JCF

Do not submit any resumes or attachments
Applicants are required to be a resident of the City of Lincolnton



**Application for Boards/Commissions/Committees
Lincolnton City Council**

Please complete each section

Full Name Mary Frances White Date of Birth 02/53/1953
Home Address PO Box 1133 Lincolnton, NC 28093
Home Phone (704) 735-6490
Current Employer Ebony & White's Funeral Service Inc.
Job Title President Years in current position 25 years
Business Phone (704) 732-1041 Fax (704) 735-6490
E-Mail Address MFrances1133@aol.com
Duties Supervise and operate Funeral Home in Lincolnton in every aspect of Funeral Service.

Other employment history _____

**It is the City Council's goal to maintain a balance of membership on its
Boards/Commissions/Committees based on race, gender and Council Ward residency.**

Council Ward No. 1

Male _____ Female xx

White _____ Black xx Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form)

Lincolnton Housing Authority

Generally, the Council desires to broaden participation on Boards /Commissions /Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 1 Board/Commission/Committee. Therefore, please list any other Board/Commission/Committee on which you currently serve:

Why are you interested in serving on this Board/Commission/Committee? Past service and continued interest in the population served by the Housing Authority

Interest/Skills/Areas of Expertise/Professional Organization/Activities : Life Member NAACP,
Member Chamber of Commerce, Lincoln Medical Center Board past member, Past Chairman of
the Lincolnton Housing Authority Board, Past President of the Business and Professional
Women,

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

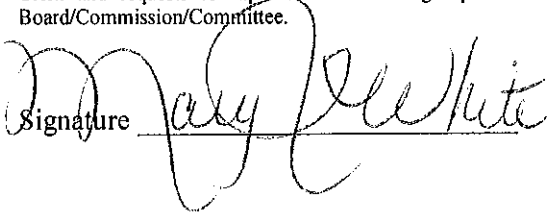
Yes _____ No ☒ _____ If yes, please explain disposition _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as a appointee of the City Council? Yes _____
No ☒ _____

If yes, please explain

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/ Committee. I understand regular attendance to any Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less then the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature



Date

November 8, 2013
Form is invalid if not signed and dated

Return completed for to:

Donna C. Flowers

City Clerk's Office

P.O. Box 617

Lincolnton, North Carolina 28092

Phone: (704) 736-8980

Fax: (704) 736-8995

Email: donnaflowers@ci.lincolnton.nc.us



Application for Boards/Commissions/Committees Lincolnton City Council

Please complete each section

Full Name William David Ritter Date of Birth 8-24-1965

Home Address 628 North Oak Street

Home Phone (704)732-6313

Current Employer Tnowo Inc.

Job Title Manager/Supply Chain Management Years in current position _____

Business Phone (704)732-3525 Fax _____

E-Mail Address cellphone - (704)477-6428

Duties Direct business relationships for international mfg (Lincoln County) Responsible for contract management and administration. Manage multiple project teams Lead salary and hourly employees

Other employment history Blum, Inc. - 17 years

It is the City Council's goal to maintain a balance of membership on its Boards/Commissions/Committees based on race, gender and Council Ward residency.

Council Ward No. 4

Male X Female _____

White X Black _____ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form)

Lincolnton Planning Board

Generally, the Council desires to broaden participation on Boards /Commissions /Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 1 Board/Commission/Committee. Therefore, please list any other Board/Commission/Committee on which you currently serve:

none

Why are you interested in serving on this Board/Commission/Committee? _____

I have lived in Lincolnton for over 18 years and wish to see
that these boards have first class oversight, and ensure Lincolnton remains a great place to
live and raise a family

Interest/Skills/Areas of Expertise/Professional Organization/Activities _____

Education: BS Degree – Political Science/Public Administration, expert negotiator, former Elder
at First Presbyterian Church

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been
filed against you in any jurisdiction?

Yes _____ No X _____ If yes, please explain disposition _____

Is there any conflict of interest or other matter that would create problems or prevent you from
fairly and impartially discharging your duties as a appointee of the City Council? Yes _____
No X _____

If yes, please explain

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/ Committee. I understand regular attendance to any Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less than the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature William D. Potts

Date 11-13-13
Form is invalid if not signed and dated

Return completed for to:

Donna C. Flowers

City Clerk's Office

P.O. Box 617

Lincolnton, North Carolina 28092

Phone: (704) 736-8980

Fax: (704) 736-8995

Email: donnaflowers@ci.lincolnton.nc.us

Do not submit any resumes or attachments

Applicants are required to be a resident of the City of Lincolnton

ITEM #

12



City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Sandy Dellinger
Address 302 Bonview Avenue Phone 735-3277
Lincolnton, NC 28092

Name of Firm or Corporation (if applicable) _____

Other Persons Accompanying Speaker Neighbors & residents of Bonview Ave

Purpose of Request to Appear Would like to request the stoplight at
Bonview and High be a stop rather than a
caution light

Council Meeting date you wish to appear December 5, 2013

Amount of time required for Presentation 10 minutes

Date form submitted to the City Clerk Taken by phone Nov. 19, 2013 (dcf)

Sandy Dellinger

Signature of Requesting Party

Return forms to: City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

Donna Flowers

From: Jeff Emory
Sent: Tuesday, October 08, 2013 5:43 PM
To: Donna Flowers; John Gilleland
Cc: Daphne Ingram
Subject: RE: Stoplight Bonview & High

Thank you Donna for your extensive research on this matter. From reading all the material you have provided, and from receiving comments from Chief Jordan, I make the following conclusions. The original intersection had a light installed that sometime around 2006 quit functioning properly. Rather than repair the light, council came to a consensus to leave the light as a caution yellow on Bonview and red stop on N. High. More importantly the current arrangement appears to meet the code of ordinances as currently written. There is a stop sign on N. High as it enters Bonview, which is what the ordinance requires. I believe should there be a need for a change at the intersection back to a full stop light, council should take action and the ordinance be amended accordingly. I know from speaking to Chief Jordan he also has concerns about changing the intersection back to a stop light, because everyone is accustomed to the current arrangement. Finally, in the 7 or so years since the caution was put up, I have not had a single request to change it back. Mayor I will proceed as you direct. Thanks. Jeff

From: Donna Flowers
Sent: Tuesday, October 08, 2013 9:39 AM
To: Jeff Emory; John Gilleland
Cc: Daphne Ingram
Subject: Stoplight Bonview & High

Jeff/Mayor,

I wanted you both to have a copy of the information I found regarding the intersection at Bonview & High. Also, I remember vividly the conversation when Councilman Heavner brought up the intersection in 2006. People had gotten use to the way it was and other than the people that actually live there, no one wanted to change it. When Jill Eaddy first brought this up, the ordinance was changed to have a stoplight (minutes attached). Then when it was discussed in 2006, no official action was taken to amend the ordinance. I remember Council saying leave it like you have it because we don't want to spend \$ 8,000 on a new stoplight. (Not sure if it would have cost that much but that is a figure Mr. Peeler threw out)

I have attached the current ordinance language, which was never amended, that states that intersection is a stop intersection. Four way, three way due to the drive way, or traffic light, it is suppose to be a stop. Hope this information is helpful. Thanks.

*Donna C. Flowers, MMC-NCCMC
City Clerk - Assistant to City Manager
City of Lincolnton
PO Box 617
Lincolnton, NC 28093-0617
(704)736-8980
(704)736-8995 fax*

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

- I. Stop intersections
- II. Traffic-control signal light locations
- III. One-way streets
- IV. No left turn intersections
- V. No complete or "U" turns
- VI. Speed limits on state maintained streets
- VII. Speed limits on city maintained streets
- VIII. Cruising
- IX. No right turn on red
- X. No through truck traffic

SCHEDULE I: STOP INTERSECTIONS.

A stop is required before entering at the following intersections.

<i>Street</i>	<i>Intersection</i>
Academy Street	Chestnut Street
Academy Street	Church Street
Academy Street	Sumner Street
Aspen Street	Battleground Road
Aspen Street	Bonview Avenue
Aspen Street	Cherry Street
Aspen Street	Chestnut Street
Aspen Street	Dixon Street
Aspen Street	Laboratory Road
Aspen Street	Massapoag Road
Aspen Street	Motz Avenue

Lincolnton - Traffic Code

<i>Street</i>	<i>Intersection</i>
Aspen Street	Rhodes Street
Aspen Street	Skip Lawing Drive
Aspen Street	Westview Drive
Battleground Road	McGinnis Avenue
Battleground Road	Westview Drive
Bonview Avenue	Battleground Road
Bonview Avenue	Forney Avenue
Bonview Avenue	Government Street
Bonview Avenue	Norman Fair Avenue
Bonview Avenue	North High Street
Bonview Avenue	Roberta Avenue
Cedar Street	Carter Street
Cedar Street	Dixon Street
Cedar Street	Jennings Street
Cedar Street	McBee Street
Cedar Street	Pine Street
Cedar Street	Rhodes Street
Cedar Street	Sumner Street
Church Street	D Street
Church Street	Fairfield Circle
Church Street	Government Street
Church Street	High Street
Church Street	Lee Street
East Park Drive	Carter Street
East Park Drive	Jennings Street
Edwards Street	Catawba Street
Edwards Street	Cleveland Street

will only be utilized by a few. He questions as to who will maintain, protect and be liable for accidents; therefore, he feels that it is just impractical. Mr. Anderson and Paul Haynes urged that the City take a good look at this proposal, discuss it with the public with perhaps a public hearing and work with Department of Transportation. After considerable discussion, the City Council directed the City Manager to meet with both groups and see if reason will prevail. He is to report back at the meeting in January.

0 - 28 - 89

Councilman Craig made the motion and by a roll call vote unanimously to approve the following:

ORDINANCE TERMINATING FOUR WAY STOP AT BONVIEW STREET AND HIGH STREET AND HIGH STREET AT BONVIEW

BE IT ORDAINED, by the City Council of the City of Lincolnton, Lincolnton, North Carolina:

That Section 13-37 of the Code of Ordinances of the City of Lincolnton be amended by deleting from Section 13-37 as follows:

That Section 13-37(40) (41) be deleted.

0 - 29 - 89

Councilman Rhyne made the motion and by a roll call vote unanimously carried to approve the following:

ORDINANCE REGULATING TRAFFIC ON BONVIEW STREET AND NORTH HIGH STREET AND DESIGNATING NORTH HIGH STREET AS A STOP STREET

BE IT ORDAINED, by the City Council of the City of Lincolnton, Lincolnton, North Carolina:

That Section 13-37 (30) be amended by adding a section f and that the new section shall be as follows:

Section 13-37 (30)f North High Street.

At the recommendation of the Planning and Zoning Director, Steve Gurley, a motion was made by Councilwoman Eaddy and by unanimous vote to approve the following Fee Schedule for zoning applications, permits, ordinances and maps:

- Rezoning Application	** \$80.00
- Conditional Use Permit (CUP) Application	\$80.00
- Variance Application	\$80.00
- Administrative Appeal Application	\$80.00
- Zoning Text Amendment Application	\$80.00
- Zoning Permit	
Single and Two Family Residential and	
Residential Accessory Use	\$ 7.00
Multifamily Residential and	
Non Residential	\$12.00
- Sign Permits	\$ 5.00

MEMORANDUM

TO: Steve Peeler, Director of Public Works and Utilities

FROM: Jeff Emory, City Manager

SUBJECT: On Going Projects

DATE: October 10, 2006

This memorandum will serve as a follow-up to our meeting last week regarding several items that we discussed. Let me thank you in advance for your attention to each of these matters. Should you have questions or comments regarding any of the below items, please do not hesitate to contact me.

1. Please proceed with ordering additional Christmas decorations for installation on South Aspen Street.
2. Please proceed with ordering the additional banners to replace those on the rail-trail and others in the downtown area.
3. Once you have answered the questions from Mr. Jeffery Bolster regarding the ABS lawsuit, please let me know and we will sit down and discuss with the city attorney.
4. It is my understanding you have met with representatives of the water department and fire department to discuss the memorandum regarding low water pressure in the city. As I directed you, I would suggest we proceed with making necessary improvements to address some of the low pressure areas. It is also my understanding this will be an item of consideration in next year's proposed budget, to address some of the areas that will require more extensive work. I believe there were at least two areas you stated we should be able to address in the current fiscal year. This item is obviously of high priority considering the upcoming ISO inspection for the City.

MEMORANDUM

On going Projects

Page 2

5. I informed you that members of City Council have inquired about the possibility of extending a water line along Roper Drive at the new Bojangles construction site. I suggest we receive a price quotation from Pease Associates, so that I may contact the representative of the property behind Bojangles to inquire about the possibility of them participating in the line extension. I believe you were also going to speak to Pease regarding a diagram and specifications that may be used for receiving quotes to have the work performed. The most critical item at this time is probably an accurate price quote based on the size line we deem is necessary to extend.
6. Regarding the stop light on Bonview Ave., it was the decision of City Council to leave the light in its current status, which I believe is on a caution and stop flashing system. If this is to change I will let you know.
7. It is my understand that you have met with Debbie regarding the city's safety committee, and that this committee has been re-organized. Please keep me updated on the effectiveness of the committee as the city's safety program moves forward.

Once again thank you for your cooperation on these items. If you need to speak to me please feel free to do so.

REGULAR MEETING - OCTOBER 5, 2006

Councilman Houser made the motion to proceed with acquiring right-of-way for Phase III of the rail-trail, up to \$ 50,000. He said once the \$ 50,000 is expended, right-of-way acquisition would stop. Councilman Houser's motion carried three to one. Councilmen Houser, Cloninger and Hovis voted in favor and Councilman Heavner voted no.

UPDATE ON STATUS OF MARCIA H. CLONINGER RAIL/TRAIL EXPANSION:

Mark Carpenter, Zoning Administrator gave an update to Council on the status of the completion of Phase II of the Marcia H. Cloninger Rail-Trail. Upon review of the report, he concluded saying staff is looking forward to beginning right-of-way purchase on Phase III of the project.

Councilman Hovis asked about specific landscaping and scrubs that would be placed along the trail. Mark said not a lot of landscaping will be placed along Phase II of the trail, mainly grass is planned for the area along the trail.

UPDATE ON CITY HALL / FIRE STATION CONTRACT:

City Manager Jeff Emory told Council that he and the City Attorney have met with officials from Southside Construction, and based on direction he received from City Council, the City paid the remaining balance of the contract to Southside, including the retainage for the City Hall/Fire Station project. He said a payment of \$ 127,500 was also made to settle claims issues. Any additional items the contractor may be working on would be warranty related type items.

Councilman Heavner requested that an item be added to the agenda for discussion. He told Council he had received a call from a citizens living on Bonview concerning the stoplight at Bonview and High Street. The citizen requested that the City repair the stoplight at that intersection, as it is not staying on caution at the present time

Director of Public Works and Utilities said it could cost up to \$ 8,000 to repair the light. The City Manager noted that the money for repairs could be taken from Powell Bill funds. Councilman Hovis said he does not see spending that amount of money to repair the stoplight. After some discussion, Councilman Heavner suggested that we leave the light on caution.

No official action (form of a motion) was made to amend the ordinance language.

ITEM #

13

MEMO TO: Mayor and City Council Members
THROUGH: Jeff Emory
FROM: Laura Simmons
SUBJECT: Draft Film and Outdoor Special Events Policies
DATE: December 5, 2013

Background

The City of Lincolnton typically provides outdoor special events such as parades, festivals and runs with assistance on street closings, set up and take down of street closure equipment, traffic control, garbage removal, security and emergency response. Past special events have all involved non-profit organizations and the city will typically provide at no cost to the event holder a range of services including street closures, traffic control, security, emergency response and garbage and recycling removal. The city's special event application and procedures were developed to ensure that the impacted city departments have advance notice of events so that the necessary personnel and resources can be scheduled.

Over the past few years, the city has also been asked to assist with several professional filming events. Lincolnton, like many other cities throughout North Carolina, is seeing an increase in the number of filming events due at least in part to State filming incentives and the relatively low cost of filming here.

The city's special event application and the established city procedures for handling of special events was not designed for and is not well suited for filming events. A team of city employees has discussed various options for policies and procedures in order to be able to accommodate filming requests in the most efficient way possible.

DRAFT FILM POLICY

The enclosed is a preliminary draft of a City of Lincolnton Film Policy that outlines the staff recommendation for how the City should handle filming requests in the future.

Below is a general summary of the recommended City of Lincoln Film Policy:

- A pre-production meeting between the film production company and city staff will be required.
- The production company will be required to complete a film permit application at least 30 days in advance of the film production. In the event the film production involves a request to close a street, a separate street closure application will also be required. If the request involves closure of a state maintained street, the application will also need to be submitted in advance to the North Carolina Film Commission for approval.
- Film activities will be defined as either low impact or high impact. Low impact filming activities involve minimal impact to the area and minimal impact to traffic flow and parking.
- High impact filming activities include the following:
 - Filming events that include street or lane closures or that significantly impact on-street parking,
 - Filming events that involve the use of explosives, pyrotechnics, fire, smoke making machines or similar special effects,
 - Filming in residential areas that occurs after 10 pm and prior to 6 am Monday through Saturday and after 10 pm and prior to noon on Sundays, and
 - Filming in the downtown area during business hours or during the peak holiday shopping season.
- All filming activities will require notification of affected businesses and residents. The production company will be required to notify affected businesses and residents a minimum of ten (10) business days prior to the planned filming activity. The notification process for low impact filming and high impact filming will be identical with the exception that high impact filming will require the signatures of affected residents or business owners on sign – off sheets confirming that the notice has been received.
- Businesses and residents will then have a five (5) business day call-in period to express concerns or objections. The City will coordinate with the production company to attempt to address any concerns or objections during this time. At the end of the call - in period, the City will issue the film permit if all reported concerns and objections are adequately addressed.
- Street or lane closures will need to be accompanied by one or more off-duty police officers or as determined by the police chief. Any costs associated with the closure(s) will be paid by the production company.
- All set up and take down of equipment and garbage removal will be provided by the production company (not the city). In the event the production company wishes to use City personnel or equipment for such services, the City will charge the company for cost recovery. The City could also deny the request for these services.

- A security deposit of \$5,000.00 will be required. The deposit will be refunded after filming ends contingent upon compliance with all standards and payment of any outstanding charges.
- Proof of general liability, automobile liability and worker's comp/ employer's liability insurance will be required.
- The production company will be required to submit a liability waiver as part of the application process.
- News media activities, student filming and charitable film production will be exempt from the film policy.

DRAFT OUTDOOR SPECIAL EVENTS POLICY

Staff has also drafted an outdoor special events policy that outlines the city's current policies and procedures for accommodation of outdoor special events. The policy is intended to assist event holders with advance planning by summarizing the services and operational support the city typically provides to help ensure that events are successful.

The outdoor special events policy outlines the city's current procedures for handling of event requests including traffic and crowd control, emergency response, street closures, solid waste services and electrical and water services. The only change to our current procedure that is included in the policy is the addition of a standard liability disclaimer that the event holder will sign recognizing that the City is not liable for any injuries or losses connected with the special event. Otherwise, the written policy is merely a summary of the services the City currently offers to assist with outdoor special events and its procedures related to delivery of those services.

Please call me if you have any questions or concerns.

ITEM #

14

CITY OF LINCOLNTON POLICE DEPARTMENT

RODNEY JORDAN • CHIEF OF POLICE



PO BOX 617 • 627 EAST MAIN STREET
LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE: (704) 736-8900 • FAX: (704) 736-8904

TO: Jeff Emory, City Manager
FROM: Chief R. Jordan
SUBJECT: Animal Control Ordinance
DATE: November 26, 2013

The purpose of this memo is to inform you of some recent discussions I have had with David Workman, Lincoln County Animal Services Manager, and to seek assistance from City Council in reference to changing our city animal control ordinance to mirror the County's in certain areas. The changes are minor in nature and important in regards to the legality of some of the wording. Please see the below sections and the proposed changes:

90.21 Dangerous dogs

No person, owning or having the custody of, any vicious or dangerous dog of any kind, shall allow the dog to be at large unmuzzled, on or in any of the streets or other public places.

– By county ordinance "Dangerous Dogs" are not allowed to remain in the county at all.

90.22 Duty of County Dog Warden

A) It is hereby declared the duty of the county dog warden to pick up any dog going at large and to immediately notify the owner, if possible, that the dog is being detained until positive identification of its owner. The dog warden shall return the dog to the owner upon payment of vaccination fee, board bill and other necessary expenses.

(B) Any dog at large picked up by the dog warden shall be kept for a period of five days to allow the owner to identify or claim the dog; however, after the expiration of five days, if the dog is still unclaimed, it shall be the duty of the dog warden to destroy the dog in a humane manner.

(Prior Code, § 3-22) Penalty, see § [10.99](#)

– By County Ordinance they are only required to hold animals for Four (4) days not five.

90.35 Vaccination of Dogs.

Each owner in the city of a dog shall be required to forthwith have the dog vaccinated against rabies by some reputable veterinary surgeon. The surgeon shall furnish a certificate or tag to the owner for each dog vaccinated. Any owner failing to have the person's dog vaccinated shall be guilty of a misdemeanor. Each owner shall carry with the owner at all times the owner's certificate or tag of vaccination and shall show it upon demand of any police officer.

(Prior Code, § 3-23) Penalty, see § [10.99](#)

Statutory reference:

Rabies vaccination required, see G.S. § 130A-185

This Section can be taken out because it is covered in state law.

Making these minor changes will assist the county in being able to legally provide the services we need and allow them to have one ordinance for these areas county wide. Any consideration by you and City Council is greatly appreciated.

Cc: Donna Flowers, City Clerk
Members of City Council

Donna Flowers

From: Rodney Jordan
Sent: Thursday, October 24, 2013 10:47 AM
To: Donna Flowers; Jeff Emory
Subject: FW: City Ordinance

Jeff and Donna,

Please see the below issues related to our Animal Control Ordinance. I was contacted by David Workman, Supervisor at Animal Control, and asked if I could take this before council to have the highlighted changes made to make our ordinance match the county ordinance. The only changes are 90.21 and 90.22 which is highlighted below with requested changes. He would also like to see 90.35 taken out all together because it is covered under state law. Please review and give me your thoughts. These are only minor changes and only reflect what they can or can't do already.

Thanks,

Rodney

From: David Workman [mailto:dworkman@lincolncounty.org]
Sent: Thursday, October 24, 2013 8:09 AM
To: Rodney Jordan
Subject: City Ordinance

Please see below **highlighted** portions, my comments are highlighted in **green**. If you have any questions please feel free to call or email anytime.

GENERAL PROVISIONS

§ 90.01 KEEPING OF LIVESTOCK PROHIBITED.

§ 90.01 KEEPING OF LIVESTOCK PROHIBITED.

(A) It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat or other livestock on any lot or within any pen, stable or other enclosure or building within the corporate limits.

(B) This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided the livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.

(Prior Code, § 3-1) Penalty, see § [10.99](#)

§ 90.02 FOWL AT LARGE.

§ 90.02 FOWL AT LARGE.

It shall be unlawful for any person to keep any ducks, geese, guinea, chicken or other domestic fowl in the city.

(Prior Code, § 3-2) Penalty, see § [10.99](#)

§ 90.03 PIGEONS TO BE CONFINED.

§ 90.03 PIGEONS TO BE CONFINED.

It shall be unlawful for any person to keep pigeons, except when the pigeons are properly kept in a cage or enclosure at all times.

(Prior Code, § 3-3) Penalty, see § [10.99](#)

§ 90.04 CONTINUATION OF ACTIVITIES AFTER AREA ANNEXED INTO THE CITY.

§ 90.04 CONTINUATION OF ACTIVITIES AFTER AREA ANNEXED INTO THE CITY.

(A) Any activity described in this chapter shall be allowed to continue in the same manner as is being carried out at the time it is annexed into the city.

(B) No activity shall be expanded or enlarged beyond the size, dimension and intensity that exists at the time the land on which the activity is located is annexed into the city.

(Prior Code, § 3-4) (Ord. O-31-94, passed 3-3-1994) Penalty, see § [10.99](#)

§ 90.05 HORSES OR LIVESTOCK ON LINCOLNTON RAIL-TRAIL.

§ 90.05 HORSES OR LIVESTOCK ON LINCOLNTON RAIL-TRAIL.

(A) It shall be unlawful to have or use horses or other livestock on the Lincolnton Rail-Trail for any purpose including as a means of transportation.

(B) Violation of this section shall be punishable as a misdemeanor.

(Prior Code, § 3-5) (Ord. O-66-98, passed 12-10-1998) Penalty, see § [10.99](#)

§ 90.06 ANIMALS AT SPECIAL EVENTS.

§ 90.06 ANIMALS AT SPECIAL EVENTS.

(A) It shall be unlawful for any owner to take an animal into or allow the animal to enter or remain within the boundaries of a festival, concert or other public gathering (special events). The event boundary shall include any area that is part of the event and shall include any public street, sidewalk or other publicly-owned area within the confines of such event.

(B) The following animals are exempt from the prohibitions contained in division (A):

- (1) Guide (or seeing-eye) dogs assisting persons who are visually impaired;
- (2) Animals under the control of the duty law enforcement personnel;
- (3) Animals that are part of an authorized exhibit or attraction approved by the event organizers.

(Ord. O-06-07, passed 11-1-2007) Penalty, see § [10.99](#)

DOGS AT LARGE

DOGS AT LARGE

§ 90.20 GENERALLY.

§ 90.20 GENERALLY.

It shall be unlawful for the owner or person in charge of any dog to permit the same to be at large on the streets or sidewalks, or to be off the owner's premises, in the city unless under the control of the owner or person in charge of the dog, either by leash, collar, chain or otherwise.

(Prior Code, § 3-20) Penalty, see § [10.99](#)

§ 90.21 DANGEROUS DOGS.

§ 90.21 DANGEROUS DOGS.

No person, owning or having the custody of, any vicious or dangerous dog of any kind, shall allow the dog to be at large unmuzzled, on or in any of the streets or other public places. – By our county ordinance "Dangerous Dogs" are not allowed to remain in the county.

(Prior Code, § 3-21) Penalty, see § [10.99](#)

§ 90.22 DUTY OF COUNTY DOG WARDEN.

§ 90.22 DUTY OF COUNTY DOG WARDEN.

(A) It is hereby declared the duty of the county dog warden to pick up any dog going at large and to immediately notify the owner, if possible, that the dog is being detained until positive identification of its owner. The dog warden shall return the dog to the owner upon payment of vaccination fee, board bill and other necessary expenses.

(B) Any dog at large picked up by the dog warden shall be kept for a period of **five days** to allow the owner to identify or claim the dog; however, after the expiration of **five days**, if the dog is still unclaimed, it shall be the duty of the dog warden to destroy the dog in a humane manner.

(Prior Code, § 3-22) Penalty, see § 10.99 – By County Ordinance we are only required to hold animals for Four (4) days.

DOGS AND RABIES CONTROL

DOGS AND RABIES CONTROL

§ 90.35 VACCINATION OF DOGS.

§ 90.35 VACCINATION OF DOGS.

Each owner in the city of a dog shall be required to forthwith have the dog vaccinated against rabies by some reputable veterinary surgeon. The surgeon shall furnish a certificate or tag to the owner for each dog vaccinated. Any owner failing to have the person's dog vaccinated shall be guilty of a misdemeanor. Each owner shall carry with the owner at all times the owner's certificate or tag of vaccination and shall show it upon demand of any police officer.

(Prior Code, § 3-23) Penalty, see § 10.99

Statutory reference:

Rabies vaccination required, see G.S. § 130A-185

This Section can be taken out because it is covered in state law.

Thanks And Have A Blessed Day!

David Workman
Manager
Lincoln County Animal Services

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ITEM #

15

December 2013 Council Meeting
Executive Summary
October 2013 Year-To-Date

Comparative for Budgetary Purposes - Prior to Closing 2013 Fiscal Year

		13-14	% of Budget	12-13	Difference
General Fund					
Fund 10	Revenues	4,230,815.26	38.72%	4,095,828.98	134,986.28
	Expenses	3,559,341.22	36.84%	3,555,280.88	4,060.34
	Difference	671,474.04		540,548.10	130,925.94
Water & Sewer Fund					
Fund 61	Revenues	2,808,939.58	32.21%	3,079,088.51	(270,148.93)
	Expenses	1,590,063.76	24.60%	1,611,483.57	(21,419.81)
	Difference	1,218,875.82		1,467,604.94	(248,729.12)
Electric Fund					
Fund 63	Revenues	2,571,610.56	32.69%	2,569,579.98	2,030.58
	Expenses	2,122,097.74	29.72%	2,160,994.33	(38,896.59)
	Difference	449,512.82		408,585.65	40,927.17
Overtime		118,415.73		89,006.17	29,409.56

**CLOSED
SESSION**