

A G E N D A

LINCOLNTON CITY COUNCIL



September 3, 2020

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON CITY COUNCIL
AGENDA
September 3, 2020
7:00 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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.

2a - Approval of Minutes for the August 6, 2020 Regular Meeting

(R-16-20)

2b – Resolution to Authorize Inter-local Cooperation Agreement for Code Enforcement Services

(R-17-20)

2c – Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with order from Code Enforcement Officer: 600 Huss Street

(R-18-20)

2d - Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with order from Code Enforcement Officer: 511 N. Flint Street

(R-19-20)

2e - Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with order from Code Enforcement Officer: 1216 E. Pine Street

(R-20-20)

2f - Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with order from Code Enforcement Officer: 1220 E. Pine Street

3. PUBLIC HEARINGS

3a – Potential Application for CDBG Grant for New Public Facility

Laura Elam, Planning Director

3b – CUP-4-2020 – Application from Townhomes at Lincoln County Club, LLC requesting an Amendment to a conditional use permit for a 33-unit condominium complex on 5.25 acres in the CU-RMF district. The amendment is in regard to the screening and landscaping requirements. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range facility (Parcel ID 86678)

Laura Elam, Planning Director

4. REGULAR AGENDA

(P-05-20)

4a. – Policy – Consideration of new proposed Administrative Policy #15 – Employee Service Recognition

Tanya Osborne, Human Resources Director

(APPT-03-2020)

4b. – Appointment – Consideration to fill vacancy of an un-expired term on the Lincolnton Planning Board

Ed Hatley, Mayor

4c. – Monthly Financial/ Overtime Report

Steve Zickefoose, City Manager

5. OTHER BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

5a – Request for Road Name Change

5b – Update/Discussion regarding Enforcement of COVID Mask Wearing Requirement

5c – Student Advisory Council Update/Discussion Regarding 2020/2021 School Year

PUBLIC COMMENT

Speakers will be limited to three (3) minutes to address Mayor and City Council. If you would like to speak, please sign in with the City Clerk

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR AGENDA

ITEM #

2

APPROVAL

OF

CONSENT AGENDA

ITEM #

2a

Approval of Minutes for the
August 6, 2020 Regular Meeting

REGULAR MEETING - August 6, 2020

The Mayor and City Council met in regular session on Thursday, August 6, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, North Carolina, 28092.

Mayor Ed Hatley called the August 6th City Council Meeting to order. *Before continuing with the meeting, Mayor asked that a moment of silence be observed for Franklin "Peanut" Lowery, in observance of his unexpected death.* Mayor Hatley asked all to stand for the Pledge of Allegiance.

The following council members were present:

WHITE

WATSON

EADDY

JETTON

Councilman Eaddy made a motion to approve the **REGULAR AGENDA**
Members voted 4-0 in favor of the motion

Councilman Roby Jetton requested to discuss implementing guidelines for mural request in the future. Councilman Jetton express his concern with the lack of guidance on how murals are approved and his desire to see guides put into place. Mayor Hatley explained the subject of murals is listed under Other Business For Discussion And Possible Action and will occur at the end of the meeting.

Councilwoman White a made a motion to approve the **CONSENT AGENDA**. **Members voted 4-0 in favor of the motion.**

PUBLIC HEARINGS

ZMA-4-2020

Application from Michael Baker requesting the rezoning of 0.26 acres of land from General Business (GB) District to the Residential-Office (R-O) District. The subject property is located at 104 Huss Street (Parcel ID 22428)

Mrs. Laura Elam, Planning Director, reviewed a request from applicant Michael Baker to rezone 0.26 acres of land located at 104 Huss Street from General Business District (GB) to Residential-Office District (R-O). She explained the change would give the applicant the option of using the property for an office and/or a dwelling. Mrs. Elam reported Planning Board and Staff recommended approval of the rezoning. Applicant did not wish to speak regarding the request.

No one requested to speak neither for or against the request. *Above-mentioned report is attached to and made an official part of these minutes.* Councilman Watson made a motion to close the public hearing. **Members voted 4-0 in favor of the motion.** Councilman Eaddy made a motion to approve the zoning request. **Members voted 4-0 in favor of the motion.** Councilman Eaddy made a motion to approve the statement of approval of Consistency and Reasonableness as follows: The Lincoln Land Use Plan designates this property as part of the Neighborhood Business Corridor. The proposed rezoning request is consistent with the Lincoln Land Use Plan. Therefore, approval of the proposed amendment is reasonable and in the public interest. **Members voted 4-0 in favor of the motion.**

REGULAR AGENDA

P-04-20

Consideration of Administrative Policy Revision – Policy #10 Health/Dental Insurance

Mrs. Tanya Osborne, Human Resources Director, presented a proposed Administrative Policy Revision – Policy #10 Health/Dental Insurance – to address premium payment responsibilities for the health and dental insurance coverage which is elected by active employees. Mrs. Osborne asked for Council's consideration to add a section which will clarify the calculation of the health insurance premium for family coverage if chosen by an employee who was hired prior to July 1, 2012. Mrs. Osborne noted that the employees that would benefit from this change are also some of the more experienced employees, therefore this could be a mechanism to help retain these employees. She asked council to approve the revision with the effective date of January 1, 2021 as noted on the policy. *The proposed amendment is attached to and made an official part of these minutes.* Councilman Jetton made a motion to approve the request. **Members voted 4-0 in favor of the motion.**

O-11-20

Incorporation of Appendix D of the N.C. State Fire Code into the City Code of Ordinances – Title XV – Land Use – Chapter 151 – Fire Prevention and Protection

Fire Chief Ryan Heavner came before Council to request the incorporation of Appendix D of the North Carolina State Fire Code into the City Code of Ordinances. Chief Heavner explained that Appendix D is an addition to the already existing fire codes but each appendix requires separate action from the governing body. Chief Heavner stated this section is vital to maintain access for emergency response apparatus and it also places requirements on commercial and industrial developments to provide adequate access roads and/or sprinkler systems in buildings over a certain size. In response to a question from Councilman Eaddy, Chief verified approval will be applicable to new/future activity. *Appendix D is attached to and made an official part of these*

minutes. Councilman Watson made a motion, based on the recommendation of Chief Ryan Heavner, to approve the incorporation of Appendix D into the City's Code of Ordinances.

Members voted 4-0 in favor of the motion.

ORDINANCE

O-12-20

Consideration of amendment to the City's Code of Ordinances – Chapter 74: Parking Regulations – consider a four way stop at the intersection at Sycamore Street and High Street and Pine Street and High Street

City Manager Steve Zickefoose spoke to Council regarding an ordinance amendment to Chapter 74 – Traffic Schedules, stop intersections. Mr. Zickefoose explained the request, which was submitted by the residents in the area, is to add stop intersections at Sycamore Street and High Street, as well as Pine Street and High Street. He informed that both staff and the Police Department have been consulted and all feel that this will add safety to the area by slowing down traffic. Councilman Eaddy expressed his concern with the traffic speed in the area and stated he agreed with this decision. Councilman Watson also commented on the issue and his approval of steps in the right direction to make the city safer. Councilwoman White made a motion to approve.

Members voted 4-0 in favor of the motion

Councilman Eaddy confirmed that orange flags, etc. will be used to bring attention to the stop signs when erected. Dr. Eaddy also requested that NCDOT be contacted regarding placing orange flags on the yield signs at the Chamber of Commerce and the yield sign at the Citizens Center. City Manager Steve Zickefoose stated DOT will be contacted regarding the matter. In response to a question from Councilman Jetton, no rubble strips will be used at the four (4) way stops.

ORDINANCE

O-13-20

Consideration of amendment to the City's Code of Ordinances – Chapter 74: Parking Regulations – consider a four way stop at the intersection of Bonview Avenue and High Street

City Manager Steve Zickefoose again addressed council members with an ordinance amendment to the City's Code of Ordinance, Chapter 74, making the intersection at Bonview Avenue and High Street a four way stop. He spoke to the lack of pedestrian safety due to the hill at the intersection, as well as the excessive traffic speed. Mr. Zickefoose informed that staff is once again reacting in response to a neighborhood request. Some discussion was generated regarding the history of the ongoing issues with this intersection. Councilman Eaddy made a motion to approve. **Members voted 4-0 in favor of the motion.**

**BUDGET AMENDMENT
(BA-04-20)**

Amendment to be made to the Annual Budget Ordinance for the fiscal year ending June 30th 2021.

City Manager Steve Zickefoose spoke to a request to amend the annual budget ordinance for fiscal year ending June 30, 2020. Budget amendment was outlined as follows:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2021.

Section 1: To amend the General Fund, the expenditures are to be changed as follows:

Street	95,000
Equipment Services	(400,000)
Planning/Zoning	(11,181)
	<u>\$ (316,181)</u>

Section 2: To amend the General Fund, the revenues are to be changed as follows:

FEDERAL GRANTS-FEMA	(11,181)
STATE GRANTS	(400,000)
APPROPRIATION FROM FUND BALANCE- GF	95,000
	<u>\$ (316,181)</u>

Section 5: To amend the Powell Bill Fund, the expenditures are to be changed as follows:

POWELL BILL COSTRUCTION/OTHER	<u>\$ 81,265</u>
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Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

FUND BALANCE APPROPRIATED	81,265
	<u>\$ 81,265</u>

Section 7: To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

DISTRIBUTION AND COLLECTION	270,500
	<u>\$ 270,500</u>

Section 8: To amend the Water & Sewer Fund, the revenues are to be changed as follows:

OTHER OPERATING REVENUES	270,500
OTHER FINANCING SOURCES	-
	<u>\$ 270,500</u>

REGULAR MEETING - August 6, 2020

Section 9: To amend the Electric Fund, the expenditures are to be changed as follows:

ELECTRIC OPERATIONS	<u>\$ 808,480</u>
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Section 10: To amend the Electric Fund, the revenues are to be changed as follows:

OTHER OPERATING REVENUE	<u>808,480</u>
	<u>\$ 808,480</u>

Section 11: To amend the Special Revenue Fund, the expenditures are to be changed as follows:

POLICE CARES	\$ 440,204
FIRE CARES	<u>390,369</u>
	<u>\$ 830,573</u>

Section 12: To amend the Special Revenue Fund, the revenues are to be changed as follows:

FEDERAL CARES	<u>830,573</u>
	<u>\$ 830,573</u>

TOTAL GROSS BUDGET INCREASE	\$ 1,674,637
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Adopted this 6th day of August, 2020

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

City Manager Steve Zickefoose addressed each adjusted line in the amendment, explaining the reason for the adjustment to Council. Mr. Zickefoose also explained Section 12, the Special Revenue Fund created as a result of the FEDERAL CARES dollars. He stated funds can only be spent on certain things and for the City public, safety costs qualifies. Mr. Zickefoose stressed to Council members that funds cannot be used to replace loss revenue. He informed that the application and all required documentation has been submitted. Councilman Watson made a motion to approve the budget amendment as outlined. **Members voted 4-0 in favor of the motion.**

Responding to a question from Mayor Hatley, City Manager Steve Zickefoose confirmed that due to lack of funding at the State level, the sidewalk project over the 321 bridge will not be moving forward.

MONTHLY FINANCIAL/OVERTIME REPORT

City Manager Steve Zickefoose presented the following report:

[illegible]

Mr. Zickefoose gave an overview of the report, reminding Council of the significant impact of COVID-19 on each of the funds rather direct or indirect.

OTHER BUSINESS FOR DISCUSSION AND POSSIBLE ACTION

Army National Guard Mural

Councilman Watson, upon the direction from Mayor Hatley, introduced Col. Robbie Robbins and SFC Matthew Craig who spoke to councilmembers regarding a mural request honoring both the past and present National Guard units. Councilman Watson assured that no vote would be taken, presentation would be for informational purposes only. A rendering of the mural, along with a document containing some history of the unit, from the 109th Cavalry of WWI to the current Alpha Battery 1-113th Field Artillery unit was distributed to Councilmembers. SFC. Craig gave a brief summary of the operations, unit awards and misc. achievements. *Rendering and history is attached to and made an official part of these minutes.* Councilman Watson confirmed that the Alpha Battery 1-113th Field Artillery unit is currently deployed. He reminded council the intent of presentation was to hear the concept in hopes of working with staff to identify potential locations. Councilman Watson also informed that some funding has been secured as they hope to be able to cover the cost without needing to request funding from the City. Mayor Hatley informed that a potential building has been identified.

Lincolnton Student Advisory Council

Mayor Ed Hatley directed City Manager Steve Zickefoose to update Council on what is happening in reference to the 2020-2021 Student Advisory Council. Due to the COVID-19 restrictions and the unconventional way schools are having to operate, Mayor Hatley explained that proceeding with the start-up of a new council in September was unclear. City Manager Steve Zickefoose shared the response he received from Dr. Morrow after requesting her input regarding the issue. Mr. Zickefoose provided council members with a summary of the discussion. *The summary is attached to and made an official part of these minutes.* Mr. Zickefoose stated the Superintendent plans to delay any action related to the Student Advisory Council until the month of October, after which further discussions with the school system can take place to determine how modifications can be made to potentially get something going for the remainder of the school year. He noted that this is being done for all school clubs across the board. Athletes are also being delayed. Virtual meetings were mentioned but does not seem to be a good option at this time due to the dynamics of the meetings. Discussion was generated with Councilman Watson and Councilman Eaddy speaking to this current dilemma and the importance of finding a way to continue providing the learning and leadership opportunity students that are a part of this council receive.

City Council Meetings

Mayor Ed Hatley opened the floor for discussion regarding whether City Council meetings should go to being held virtually. Mayor Hatley stated that numbers are still rising at an unacceptable rate in Lincoln County, and stated that no one's health should be put at risk for a meeting. Councilman Roby Jetton stated his opposition, but asked if conducting the meeting via phone (conference call) would be possible. Mayor Hatley explained the various options that could be used instead of in-person meetings. He stressed, however, a way for the public to participate would have to be provided. Councilman Eaddy voiced his concern that the public may be discouraged from participating if meetings are held virtually as some are not comfortable with the video conferencing platforms. Also, some constituents may be "cut-out" if they do not have the means to participate. Councilman Eaddy continued, stating he felt roll modeling mask wearing while doing your routine business and operations is important and may have some function. Much discussion was generated between Council and staff as to the options that are available. Councilman Watson commented that with all of the recommended measures being followed, he would not want to limit access for the public to seeing how business is conducted. City Manager Steve Zickefoose emphasized the fact that public attendance at meetings are generally low and the City's diligence to comply with social distancing restrictions in the current set up of Council Chambers. After more discussion, a consensus among Council Members and staff was reached to continue in-person meetings in Council Chambers, following the guidelines and restriction that are currently in place. City Manager Steve Zickefoose may add the video conferencing option to make meeting available for members of the public. Members agreed that if numbers begin to rise, Council will re-visit the issue of meeting virtually.

Appointment to the Lincolnton Planning Board

Mayor Ed Hatley communicated to councilmembers that due to the recent resignation of one of the current Planning Board members, the vacancy will be advertised and applications will be received through August 31st. Mayor Hatley expressed his desire to appoint someone to fill the vacancy at next months meeting. *Notice of vacancy is attached to and made an official part of these minutes.*

Agenda Item Additions

Mayor Ed Hatley addressed council and opened the floor up for discussion, regarding this item. Mayor Hatley asked for council's thoughts on adopting the practice of only placing items of an emergent nature on the agenda the day of the meeting. Councilman Eaddy clarified emergent as needing immediate attention before the next meeting. Discussion was generated as to the benefit

of this practice to both Council and the public. Councilman Eaddy made a motion that only items of an emergent nature be placed on the agenda the day of the meeting. **Members voted 4-0 in favor of the motion.**

Public Property Art

Mayor Ed Hatley directed Council's attention to a draft copy of potential standards for approving murals, submitted by Councilman Roby Jetton, before allowing City Manager Steve Zickefoose to speak to the issue. Mr. Zickefoose noted the two distinctions being discussed, murals on city owned property and private property. He reminded council that the Steering Committee is currently the mechanism used for addressing murals, however Mr. Zickefoose did admit that there are currently no written set of guidelines for mural standards. Mr. Zickefoose spoke to the checks and balances within the draft and why he felt it is something that needs to be put in place. Mr. Zickefoose suggested that Council continue to allow the Steering Committee to be a part of the process, adopting guidelines and standards for them to go by, with Council making the final decision. Mayor Hatley stressed the difference between public property such as streets and public buildings, and private property. Some discussion as to whether or not to hold a public hearing prior to approving murals on public property was generated. Council also discussed the issue of private property and the issue of freedom of speech. City Manager suggested that the topic be referred to the Steering Committee for discussion, then report back to Council with recommendations. *A copy of the aforesaid draft standards are attached to and made an official part of these minutes.*

Public Comment

Mayor Ed Hatley invited public comment, reminding everyone to limit their comments to three (3) minutes. Three members of the public requested to address Council. Mr. Alan Hoyle, Mr. Harold Edwards, and Mr. Steve Widdows. Both Mr. Hoyle and Mr. Widdows expressed their views on the street mural painting recently approved by Council. Mr. Edwards had questions instead of comments, therefore he was directed to contact City Manager Steve Zickefoose regarding his idea for another street mural.

News Media

There were no question from the media

Closed Session

Councilman Roby Jetton moved that Council enter closed session pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of real property. Members voted 4-0 to enter closed session.

Adjournment

Having no further business, the council Councilman Jetton made a motion to adjourn. Members voted 4-0 in favor of the motion. **Time 8:54 p.m.**

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

ATTACHMENTS

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

SUBJECT: ZMA-4-2020 – Application from Michael Baker requesting the rezoning of 0.26 acres from GB to R-O

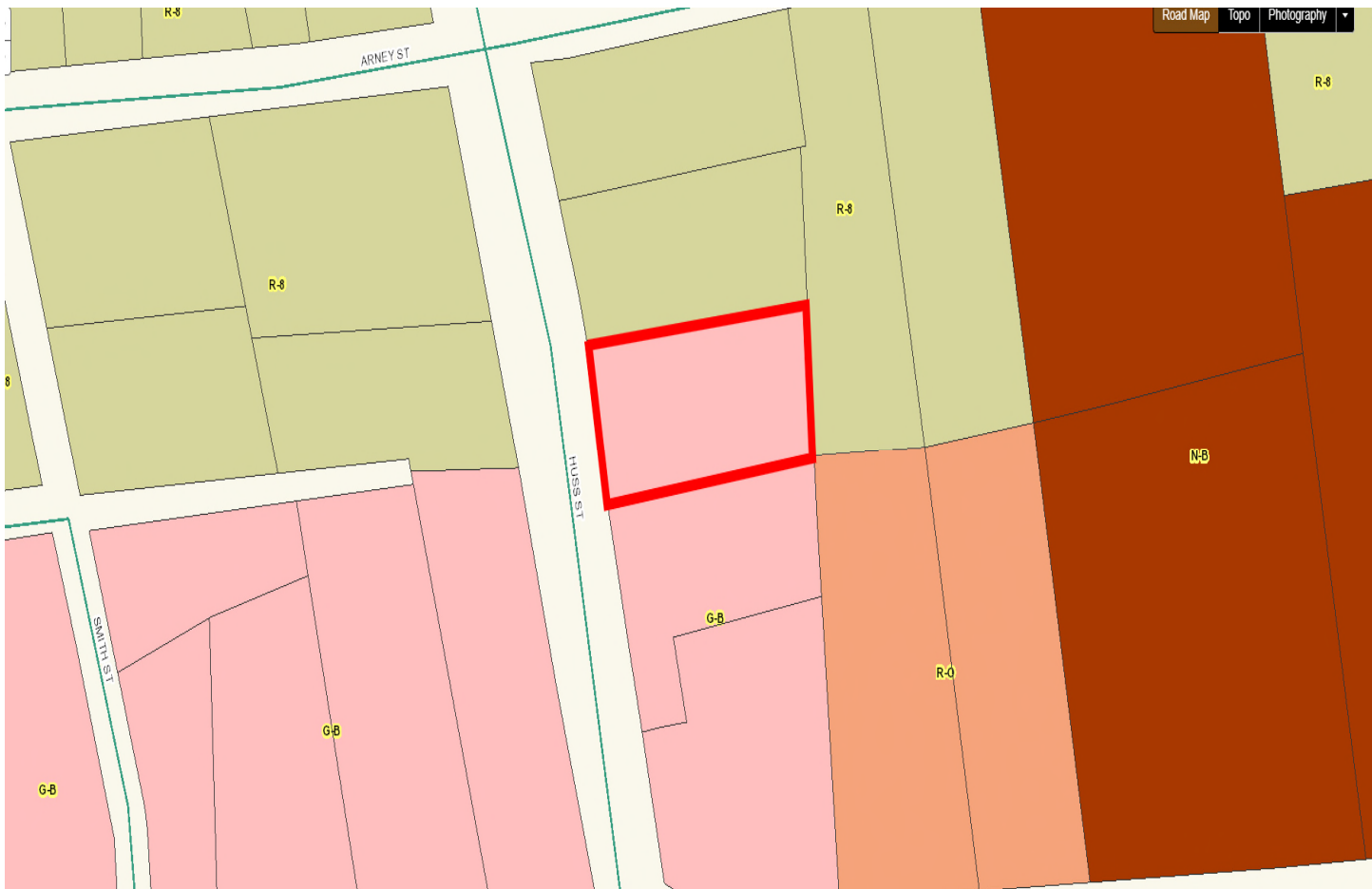
DATE: August 6, 2020

SITE AND AREA DESCRIPTION

The applicant is requesting a rezoning of 0.26 acres of land from General Business (GB) District to the Residential-Office (R-O) District. The subject property is located at 104 Huss Street (Parcel ID 22428).

The subject property has one dwelling that was converted to an office use. Land uses in the area include a mixture of single family and commercial. The property is surrounded by R-8 zoning to the north and east, R-O zoning to the southeast, GB to the south, and GB and R-8 to the west.

CURRENT ZONING MAP



CURRENT AERIAL VIEW





PURPOSE OF REQUEST

The applicant would like to have the option of using the property for office use and a dwelling.

LAND USE PLAN COMPLIANCE

The land use plan shows the property in the Neighborhood Business Corridor Planning Area.

The land use plan indicates these areas are to accommodate neighborhood oriented planned business areas and developments in these corridors should have a “neighborhood” feel.

Staff views the proposed rezoning request as consistent with the Land Use Plan.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend approval of rezoning of the property from GB to R-O.

Revision-Administrative Policy #10 Health/Dental Insurance

Proposed Effective 01-01-2021

CITY OF LINCOLNTON
ADMINISTRATIVE POLICY

Subject: Health/Dental Insurance	Manual: Administrative
	Effective Date: July 1, 2012
Policy Number: 10	Revision: January 1, 2021
Issued By: City Manager's Office	City Manager Approval: Steve Zickefoose City Manager

A copy of this policy must be maintained in the City of Lincolnton's Administrative Manual for each City department and division.

Section I. Intent

Effective July 1, 2012, benefit-eligible employees who are hired on or after July 1, 2012 will be responsible for paying family members' insurance premiums for health and/or dental coverage.

Section II. Eligibility Criteria

July 1, 2012 - Benefit-eligible employees hired prior to July 1, 2012, will be grandfathered under this plan and will continue to have family members' health and/or dental insurance premiums covered at the City's expense.

Section III. Revisions

February 1, 2016 – Effective February 1, 2016, the City of Lincolnton's benefit-eligible employees will participate in the North Carolina State Health Plan (SHP) for the health insurance coverage. Eligibility is in accordance with the SHP documents, and spousal coverage, as well as dependent child(ren) coverage, is available. Responsibility for insurance premiums will be as follows:

1. Benefit eligible employees hired prior to July 1, 2012 will be grandfathered under this health insurance plan for dependent children only, and continue to have the health insurance premium covered at the City's expense. Premiums for spousal coverage, if elected, will be the responsibility of the employee. Dental insurance premiums will continue to be paid by the City for family members'.

2. *Effective January 1, 2021, if a benefit eligible employee hired prior to July 1, 2012 elects family health coverage, the premium for family coverage will be reduced by the child(ren) portion and the remaining balance will be the employee's responsibility to pay.*
3. Benefit-eligible employees who are hired on or after July 1, 2012 will be responsible for paying family members' insurance premiums for health and/or dental coverage.

The City of Lincolnnton Council reserves the right to review all city benefits as necessary, and may delete, modify, enhance or otherwise make changes to this administrative policy as in accordance with local, state and federal law.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

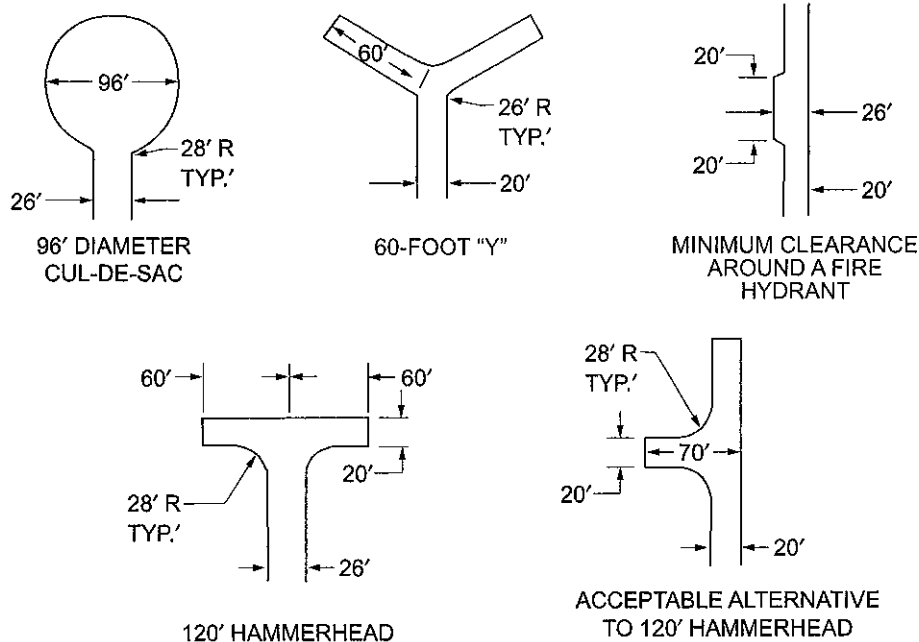
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



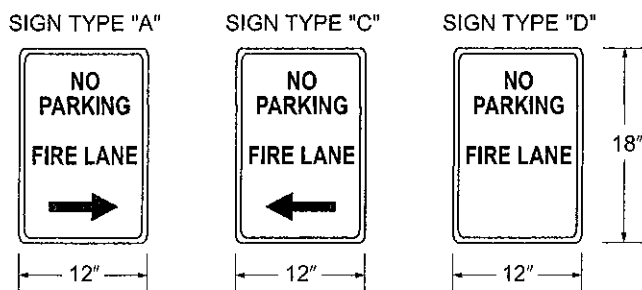
For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. Methods of locking shall be submitted for approval by the *fire code official*.
7. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**FIGURE D103.6
FIRE LANE SIGNS**

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one

side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

SECTION D104

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m²) that have a single *approved* fire apparatus access road when all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105

AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads.

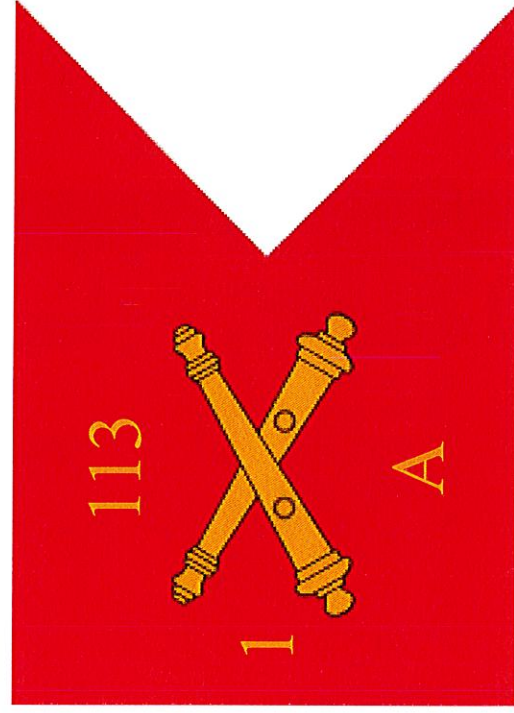
Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.2 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

ASTM	F2200—13	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC—15	International Fire Code	D101.1, D107.1
UL	325—02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through June 2013	D103.5



In Honor of the Lincolnshire National Guard Soldiers Past and Present

LINCOLN TON NATIONAL GUARD

UNITS

109th Cavalry
105th Engineer Company
690th Maintenance Company
Charlie Battery 1st of the 113th Field Artillery
Alpha Battery 1st of the 113th Field Artillery

OPERATIONS

Enduring Freedom
Inherent Resolve
Operation Iraqi Freedom -09/10
Operation Iraqi Freedom – III
Humanitarian Aid Mission For Hurricane Katrina
Numerous State Active Duty Mission (North Carolina Response for Hurricanes & Snow Storms)
Security Detail for the Democratic National Convention (Charlotte)
Assigned as Rapid Reaction Force For North Carolina in 2011 (On call for any emergency)
Multiple Apple Festival Security Details

UNIT AWARDS

Meritorious Unit Citation -- (Awarded for actions in the Global War on Terror)
Governors Unit Citation – (Awarded actions in response to NC State of emergencies)

MISC. ACHIEVEMENTS

First National Guard unit to fire the M982 Excalibur Precision Guided Artillery round while deployed to Forward Operating Base (FOB) Mahmiudiyah.

Alpha Battery 1-113th FA will be issued the new M109A7 Paladin based on its performance over the last decade. The unit will be one of the first units in the United States Army to be issued this equipment and a part of the first National Guard Field Artillery Battalion to receive this state of the art weapon system.

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: City Council

FROM: Steve Zickefoose, City Manager

SUBJECT: Student Advisory Council

DATE: August 5, 2020

In preparation for the SAC discussion item on Thursday's agenda, I reached out to Dr. Morrow, Superintendent of Lincoln County Schools to get a firsthand viewpoint of their perspective related to meetings for the 2020-21 school year.

First, Dr. Morrow wanted me to express their appreciation and value of the SAC program that the City sponsors. Next, she went on to explain the school system's focus points for the next few months in responding to COVID-19. These points are summarized below:

- Their number one priority is the health and safety of the students. Thus, they have created cohorts for tracking students for monitoring COVID-19. This means separating students using scheduling in order to limit personal contact. This includes extra-curricular activities.
- Their next priority is focusing on instruction. Doing this is very demanding and is presenting a "whole new world" of how to provide and deliver instruction to the students.
- Many parents are choosing to do remote learning for their children for safety purposes. They do not want any student contact.
- Parents are also concerned about extra-curricular activities and being able to limit personal contact.

Dr. Morrow concluded by saying that because of all of the challenges the school system is facing for operating, and considering their stance on health and safety, that she believes it is in the students' best interest to delay the SAC until October. The school system will entertain further conversations at that time for the remainder of the school year.

I mentioned virtual meetings and she did not believe that this was a viable alternative at this time.

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
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Jim Watson



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CITY CLERK
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr.

BOARD VACANCY

The City of Lincolnton is currently accepting applications to fill one seat on the Lincolnton Planning Board. Applicants must reside inside the Lincolnton city limits to be eligible to serve.

To submit an on-line application, please visit our website at www.ci.lincolnton.nc.us and click on Boards and Commissions under the Government tab. For additional information you may contact Daphne Ingram via email at dingram@lincolntonnc.org or by phone at (704) 736-8980 ext. 2281. Applications will be accepted through Monday, August 31, 2020 at 5:00 p.m.

Advertise: Wednesday, August 12, 2020
Monday, August 17, 2020
Friday, August 28, 2020

DRAFT

Mural standards.

A. Definition.

Mural means a hand produced or machined graphic applied or affixed to the exterior of a building wall or to a street maintained by the City through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco or mosaic.

B. Mural placement.

1. Murals shall be allowed in all commercial districts of the City.
2. Murals shall not be permitted on the primary façade. A primary façade is defined, for purposes of this section, as the building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets shall be considered to have two (2) primary façades.
3. Murals shall not be allowed on backs of buildings, backing to residential districts.
4. Murals shall not be allowed in non-commercial districts of the City.

C. Prohibited mural types.

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
2. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
3. Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.
4. Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
5. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
6. Murals where the intended audience is commercial or actual or potential consumers, and where the content of the message is commercial in character.

D. Surface preparation. Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building eligible for inclusion on the State or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used.

E. Maintenance.

1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the City Manager and incorporated into the Mural Permit. A mural exhibit shall be deemed to be in a state of

DRAFT

disrepair when twenty-five (25) percent or more of the display surface area contains peeling or flaking paint, or is otherwise not preserved in the manner in which it was originally created.

2. The display surface shall be kept clean and neatly painted and free from corrosion.
3. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the City Manager, or his/her designee, all in the manner provided for in the mural permit. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the City Manager for good cause.

F. *Design standards.*

1. Explanatory wording relative to the graphic may be incorporated into the mural. Artist signatures shall be allowed and limited to maximum of two (2) square feet in size.
2. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.
3. The location and scale of the mural should be in keeping with and enhance the building or structure on which it is located.
4. The proposed mural is well integrated with the building's façade and other elements of the property and enhances the architecture or aesthetics of a building or wall.
5. The proposed mural, by its design, construction, and location, will not have a substantial adverse effect on abutting property or the permitted use thereof.
6. The proposed mural is not detrimental to the public health, safety, or welfare.
7. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed.
8. The maintenance schedule is reasonable for the mural and the building on which it is applied/affixed.
9. The mural shall not be painted directly onto brick, but may be attached by using an alternate medium (i.e. canvas, tile, metal panels, or similar materials with an approved attachment method) or may be otherwise applied by methods that will not damage the wall surface including brick. New materials such as applied sheet graphics and appliques that can be removed readily from brick may be utilized. Other new materials can be utilized provided they are found to be non-detrimental to the surface on which applied.

Mural permit.

- A. No mural shall be installed unless written permission is first obtained by the owner of the building upon which the mural is to be placed, or the building owner's agent, or the City of Lincoln Planning Department for a street mural, and a mural permit is obtained from the Director of Planning and Development, or his/her designee.
- B. *Application requirements.* Each permit application shall contain, but not be limited to, the following information:
 1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural or City maintained street.
 2. Pictures of the building elevations or street scape.

DRAFT

3. A scale drawing and color photo of the building elevation or street showing the proposed size and placement of the mural.
 4. A colored drawing of the proposed mural.
 5. A description of the proposed maintenance schedule that includes the time frame for the life of the mural and method for removal, if applicable.
 6. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied or affixed to.
 7. Written permission from the owner of the building to which the mural is intended to be applied, if applicant is not the building owner.
 8. An acknowledgement that the mural must be removed or covered if so, ordered by the Director for failure to maintain or for reaching a state of dilapidation, as described in subsection E.3. above.
 9. An acknowledgement from the building owner if the building is sold a stipulation will be put in the contract for sale that the mural must remain intact until such time that mural maintenance is required and the new owner wishes to paint over the mural.
- C. *Mural permit approval.* Applications for a mural permit in the downtown area shall be distributed to Downtown Main Street Merchants for comment regarding consistency between the application and the requirements herein. All other mural permit applications will be reviewed and approved by City Planning staff. No mural permit shall be approved unless the City Manager, or his/her designee, shall find that these requirements have been fulfilled.
- D. *Appeals.* Appeals of the City Manager's decision to approve or not approve a mural application may be made in writing to the City Clerk within ten (10) days of the City Manager's formal notification of decision. Said appeal shall be placed on an upcoming City Council meeting for consideration and disposition.

Mural Permit Application

Submittal Requirements:

1. All applications shall be accompanied by written approval of the property owner or landlord, or City (see page 3 of this application).
2. Site plan showing the lot and building dimensions and indicating the proposed location of the mural or the proposed City street location.
3. Pictures of the building elevations or street scape.
4. A scale drawing and color photo of the building elevation or street showing the proposed size and placement of the mural.
5. A colored drawing of the proposed mural.
6. A description of the proposed maintenance schedule that includes the time frame for the life of the mural and method for removal, if applicable.
7. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied or affixed to or the composition of the street.
8. An acknowledgement that the mural must be removed or covered if so ordered by the City manager for failure to maintain or for reaching a state of dilapidation.
9. An acknowledgement by the building owner if building is sold that an agreement will be included in the bill of sale that the new owner will allow the mural to remain and be maintained as specified in permit.
10. All information submitted shall be to scale and include dimensions and area of mural.

The Review Process:

Application – An application shall be submitted along with the submittal requirements as outlined above for review and analysis.

Additional submittals – An applicant shall also submit further support documentation if requested by City staff, it shall be the applicant's responsibility to provide such additional documentation.

Administrative review – The Planning Director or his or her representative shall review the application and support documentation for conformance to the regulations. Additionally, applications for a mural permit in the downtown area shall be distributed to Downtown Main Street businesses for comment. The Director's determination shall be final, except that the Director's decision may be appealed to the Governing Body as further described below.

Appeal to Governing Body:

Appeals from the Planning Director's decision shall be made in writing to the City Clerk and shall be forwarded to the City Manager to schedule on an upcoming City Council meeting. The appeal shall include sufficient documentation to explain the reasons as to why the appeal is being taken and why the Planning Director's decision should be overturned.

[Type here]

Mural Permit Application

[Type here]

Comes now _____, who being

(landlord or property owner or City)

duly sworn upon his/her oath, does state that he/she is the landlord or property owner,
or City that has given permission to the applicant to place a mural at:

_____.

(location address)

Dated this _____ day of _____, 20____

Signature of Landlord or Property Owner or City

Printed Name

[Type here]

Mural Permit Application

[Type here]

Comes now _____, who being
(Mural Permit Applicant)

duly sworn upon his/her oath, does acknowledge the following requirements:

1. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered to remove or cover with opaque paint, similar to the primary building materials/colors, the street color or other appropriate material by the Planning Director, or his/her designee.
2. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the Planning Director for good cause.
3. The proposed mural, by its design, construction, and location, will cause no damage or negative impact to the wall surface that the mural is to be applied or affixed to.

Dated this _____ day of _____, 20____

Signature of Applicant

Printed Name

[Type here]

Mural Permit Application

[Type here]

Description of Project: _____

Description of Neighboring Properties: _____

Additional Information: _____

☐ **APPROVAL of Mural Permit #** _____

by _____ Date _____

Subject to the following conditions: _____

☐ **DENIAL of Mural Permit #** _____

by _____ Date _____

Reasoning: _____

ITEM #

2b

R-16-20

Resolution to authorize the Inter-local
Cooperation Agreement between
Lincoln County and the City of
Lincolnton for Facilitating Code
Enforcement Services

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

R-16-20
RESOLUTION TO AUTHORIZE THE
INTERLOCAL COOPERATION AGREEMENT BETWEEN
LINCOLN COUNTY AND THE CITY OF LINCOLNTON FOR FACILITATING CODE
ENFORCEMENT SERVICES

WHEREAS, the governing bodies of the County and City have found and determined that it is in the public benefit and interest to enter into an agreement; and

WHEREAS, the City desires to contract with the County, and the County desires to contract with the City, for the County to provide assistance and aid through the County's Planning and Inspections Department to the City for the purpose of facilitating code enforcement services within the city limits and the extraterritorial jurisdiction of the City of Lincolnton; and

WHEREAS, the County and City, as governments, are authorized to enter into intergovernmental services agreements; and

WHEREAS, the City of Lincolnton, on June 25, 2020, by unanimous vote, did approve and agree to move forward with the Interlocal Cooperation Agreement with Lincoln County, in which the mutual conditions, covenants and performances are outlined.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of Lincolnton do hereby ratify and authorize said Interlocal Cooperation Agreement between the City of Lincolnton and Lincoln County as allowed and codified in N.C.G.S. § 160A-460 through § 160A-466.

Adopted this the _____ day of _____, 2020

DAPHNE INGRAM
CITY CLERK

ED HATLEY
MAYOR

INTERLOCAL COOPERATION AGREEMENT

between

LINCOLN COUNTY

and

THE CITY OF LINCOLNTON

This contract is made and entered into this _____ day of _____, 2020 (hereinafter referred to as the "Agreement"), between **LINCOLN COUNTY**, a body corporate and politic authorized by the laws of the State of North Carolina, having a mailing address of 353 N Generals Boulevard, Lincolnton, NC 28092, hereinafter referred to as the "County" and the **CITY OF LINCOLNTON**, a North Carolina municipal corporation having a mailing address of 114 W. Sycamore Street, Lincolnton, NC 28092, hereinafter referred to as the "City";

W I T N E S S E T H

WHEREAS, the governing bodies of the County and City have found and determined that it is in the public benefit and interest to enter into an agreement for the following:

a. The City desires to contract with the County, and the County desires to contract with the City, for the County to provide assistance and aid through the County's Planning and Inspections Department to the City for the purpose of facilitating code enforcement services ("Code Enforcement") within the city limits and the extraterritorial jurisdiction ("ETJ") of the City of Lincolnton; and

WHEREAS, the Interlocal Cooperation Act, as codified in N.C.G.S. § 160A-460 through § 160A-466, allows and provides for units of local government to enter into agreements in order to execute any undertaking providing for the contractual exercise by one unit of any power, function, public enterprise, right, privilege, or immunity of local government; and

WHEREAS, the County and City, as governments, are authorized to enter into intergovernmental services agreements; and

WHEREAS, the County is authorized to make and execute contracts with municipalities in the same county where the City of Lincolnton is located; and

WHEREAS, the governing bodies of the County and City have ratified this agreement by resolutions being recorded in their respective minutes.

NOW THEREFORE, in consideration of the mutual conditions, covenants, and performances called for herein, the parties hereto agree to the following:

I. Terms of Code Enforcement Services from County to City

(A) Services Provided. The County shall provide to the City, on an as-needed and as-available basis, County personnel who shall provide code enforcement services for the

City to include, but not be limited to, the following, as directed by the County Manger and/or City Manager or their respectively designated personnel:

1. Act as the Code Enforcement Officer for the City;
2. Investigate complaints of violations of the Unified Development Ordinance, Nuisance, Flood and Abandoned Vehicle Ordinances;
3. Subsequent to investigation, determine if violation(s) exist;
4. If violation is determined to exist, take photographs of violation(s);
5. Post and mail notice of violation(s), notice of hearings (as needed), and deadline for compliance;
6. Schedule, coordinate, and attend violation hearings;
7. Advise property owner of appropriate action(s) necessary to bring property into compliance and deadline for compliance;
8. Within one (1) week of deadline for compliance, perform follow-up investigation to determine compliance and notify concerned parties of action(s) taken; and
9. Notify the City of any cases in which there is continued non-compliance after the deadline given to the property owner by the Code Enforcement Officer for which compliance has expired.

(B) Salary and Benefits. The County shall be responsible for the payment of salary and benefits to employee(s) responsible for the Code Enforcement. However, the City shall maintain workers' compensation insurance covering such employees during the performance of their duties for the City pursuant to this Agreement.

(C) Term of Agreement. This Agreement shall be for a term of one (1) year ending on June 30, 2021, and shall automatically renew on an annual basis thereafter unless one party provides written notice of termination at least sixty (60) days before the renewal of the Agreement.

(D) Cap on Hours Provided. Notwithstanding the foregoing, however, the County shall only be required to provide no more than six hundred and twenty-four (624) man-hours of labor for Code Enforcement within the city limits and ETJ of the City of Lincolnton, each fiscal year.

(E) Legal Services. Any legal services that shall be required for the enforcement of any code violations within the city limits or ETJ of the City of Lincolnton, including lien placement, injunctions, small claims matters, etc, shall be performed by the City Attorney and City employees. County employees will only be involved in legal matters regarding these code violations as witnesses, if necessary. The City shall be responsible for all legal fees that are incurred regarding code violations within the city limits or ETJ of the City of Lincolnton.

(F) Building Inspections and Abandoned Structure Ordinances. This Agreement shall not include the enforcement of any building inspections or abandoned structure ordinances for properties located within the city limits or ETJ of the City of Lincolnton. These matters shall continue to be the sole responsibility of the City.

(G) Real Property. No ownership of real property shall be involved in the undertaking of this Agreement.

II. **Additional Terms.** The following terms apply to this Agreement in its entirety, including Section I.

(A) Termination. This Agreement shall automatically renew on July 1, 2028, for one-year extensions unless notification is provided in writing by either party, in writing, prior to the anniversary of the renewal.

(B) Breach of Agreement. If either party fails to perform the duties and obligations under this Agreement, the non-breaching party shall have the right to terminate this Agreement in writing with thirty (30) days' notice.

(C) Notice. All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepared, to the following entities:

City: Lincolnnton City Manager
 114 W. Sycamore St.
 Lincolnnton, North Carolina 28092

With Copy to: Thomas J. Wilson, Jr.
 PO Box 737
 Lincolnnton, NC 28093

County: Lincoln County Manager
 353 N Generals Boulevard
 Lincolnnton, North Carolina 28092

With Copy to: Wesley L. Deaton
 The Deaton Law Firm, PLLC
 PO Box 2459
 Denver, NC 28037

(D) Payment for services. The City shall annually pay the County the amount of Twenty-Nine Thousand and no/100 (\$29,000.00) Dollars, beginning July 1, 2020 and continuing on the first of July each year thereafter, including any possible extensions, until the expiration or termination of this Agreement.

(E) Miscellaneous Provisions.

1. This Agreement embodies the entire agreement between the parties in connection with this transaction, and there are no oral or parol agreements, representations or inducements existing between the parties relating to this transaction, which are not expressly set forth herein and covered hereby. This Agreement may not be

modified, released or waived except by a written agreement signed by all of the parties hereto.

2. Nothing contained herein shall be construed to place the parties in the relationship of partners or joint venturers, and neither party shall have the power to obligate or bind the other party in any manner whatsoever.

3. No written waiver by any party at any time of any breach of any other provision of this Agreement shall be deemed a waiver of a breach of any provision herein or a consent to any subsequent breach of the same or any other provisions. If any action by any party shall require the consent or approval of another party, such consent or approval of such action on any occasion shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

4. The various rights, powers and remedies herein contained and reserved to either the County or the City shall not be considered as exclusive of any other right, power or remedy, but the same shall be construed as cumulative and shall be in addition to every other right, power or remedy now or hereafter existing at law, in equity or by statute. No delay or omission of a party to exercise any right, power or remedy arising from any omission, neglect or default of the other party shall impair any such right, power or remedy or shall be construed as a waiver of any such default or and acquiescence therein.

5. In the event either of the parties receives notice of or undertakes the defense or the prosecution of any actions, claims, suits, administrative or arbitration proceedings or investigations in connection with this Agreement, the party receiving such notice or undertaking such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.

6. The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Agreement nor in any way affect this Agreement.

7. This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.

8. Time shall be of the essence of this Agreement and each and every term and condition thereof.

9. Words of any gender used in this Agreement shall be held to include any other gender, and words in the singular number shall be held to include the plural, when the sense requires.

10. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.

11. Both the County and the City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by respective counsel for both the County and the City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

12. If any provision under this Agreement or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this Agreement or its application that can be given effect without the invalid provision or application.

13. In the event of a dispute arising from this Agreement, the parties agree to take the following actions as conditions precedent to any party hereto filing an action arising from the Agreement:

i. The Lincolnton City Manager and the Lincoln County Manager shall meet in an attempt to informally mediate the dispute; and

ii. If said Managers are unable to successfully mediate said dispute, the Lincolnton Mayor and Lincolnton City Manager shall attempt to mediate the dispute with the Lincoln County Manager and the Chairman of the Lincoln County Board of Commissioners.

If the parties, after taking the steps provided hereinabove, are unable to successfully mediate their dispute, then either party may file an action in the Lincoln County Superior Court for a determination of the parties' respective rights and liabilities therein.

In witness, whereof, the parties have executed this Agreement by day and year above first written.

SIGNATURES APPEAR ON THE FOLLOWING PAGE



CITY OF LINCOLNTON

A North Carolina Municipal Corporation

By: Ed Hatley
Ed Hatley, Mayor

ATTEST:

Daphne Ingram
Daphne Ingram, City Clerk

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

Steve Zickefoose
Steve Zickefoose, Finance Director
City of Lincolnton

Approved as to form on behalf of the City of Lincolnton.

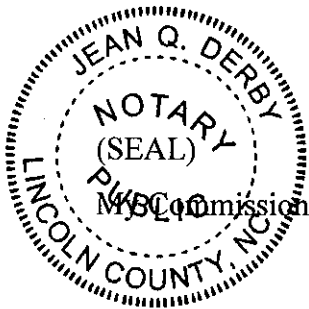
Thomas J. Wilson, Jr.
Thomas J. Wilson, Jr.
Attorney for the City of Lincolnton

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, Jean Q. Derby, a Notary Public of said County and State, certify that Daphne Ingram personally came before me this day and acknowledged that she is City Clerk of the City of Lincolnton, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the City Council of the City of Lincolnton, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this 11th day of August, 2020

Jean Q. Derby
Notary Public



My Commission Expires: 4.20.2023



LINCOLN COUNTY,

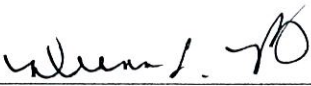
A North Carolina Body Corporate and Politic

By: 
Carrol D. Mitchem
Chairman of the Board of Commissioners

ATTEST:


Amy Atkins, County Clerk
Amanda M. Hallman
Deputy Clerk

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


Deanna Rios, Finance Director
Lincoln County, North Carolina

Approved as to form on behalf of Lincoln County


Wesley L. Deaton
Attorney for Lincoln County

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

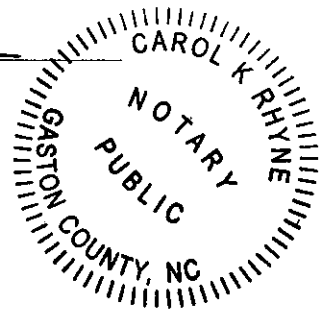
I, Carol K Rhyme a Notary Public of said county and state,
certify that ~~Amy Atkins~~ personally came before me this day and acknowledged that she is the
Def County Clerk of ~~Lincoln County~~, North Carolina, a body corporate and politic in nature, and
Amanda Hallma that by authority duly given and as the act of the Board of Commissioners of Lincoln County,
North Carolina, the foregoing instrument was signed in its name and by its Chairman of the
Board, sealed with its corporate seal and attested by her as its County Clerk.

Witness my hand and seal this 28th day of July, 2019-2020.

Carol K Rhyme
Notary Public

(SEAL)

My Commission Expires: 6-9-2024



ITEM

2c

R-17-20

Resolution to Authorize & Direct
City Attorney to Petition for Court
Order Directing Compliance with
order from Code Enforcement
Officer: 600 Huss Street

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Minimum Housing Standards Ordinance for **600 Huss Street**

DATE: September 3, 2020

Property Address: 600 Huss Street

	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: 8/20/2020																																																																																																					
																																																																																																						
	<table><tr><td>Parcel ID</td><td>51766</td><td>Owner</td><td colspan="2">SELF JANIS R.</td></tr><tr><td>Map</td><td>3633</td><td>Mailing Address</td><td colspan="2"></td></tr><tr><td>Account</td><td>0188136</td><td>Address</td><td colspan="2"></td></tr><tr><td>Deed</td><td>1745 433</td><td>Last Transaction Date</td><td>09/29/2005</td><td>Sale Price \$58,500</td></tr><tr><td>Plat</td><td>A 69</td><td>Subdivision</td><td>BOGER HGTS</td><td>Lot 16 17</td></tr><tr><td>Land Value</td><td>\$13,400</td><td>Improvement Value</td><td>\$832</td><td>Total Value \$14,232</td></tr><tr><td>Previous Parcel</td><td colspan="4"></td></tr><tr><td colspan="5"> -----All values for Tax Year 2020 ----- </td></tr><tr><td>Description</td><td colspan="3">#16&17G BOGER HEIGHTS SUB</td><td>Deed Acres 0</td></tr><tr><td>Address</td><td colspan="3">600 HUSS ST</td><td>Tax Acres 0.248</td></tr><tr><td>Township</td><td colspan="3">LINCOLNTON</td><td>Tax/Fire District LINCOLNTON</td></tr><tr><td>Main Improvement</td><td colspan="3">CONVENTIONAL (PRE WWII)</td><td>Value \$832</td></tr><tr><td>Main Sq Feet</td><td>912</td><td>Stories</td><td>1</td><td>Year Built 1930</td></tr><tr><td>Zoning District</td><td>Calc Acres</td><td>Voting Precinct</td><td>Calc Acres</td><td></td></tr><tr><td>R-15</td><td>0.25</td><td>BC13</td><td>0.25</td><td></td></tr><tr><td>Watershed</td><td>0.25</td><td>Sewer District</td><td>0.25</td><td></td></tr><tr><td>Census County</td><td>109</td><td>Tract</td><td>070201</td><td>Block 3006</td></tr><tr><td></td><td></td><td></td><td></td><td>0.25</td></tr><tr><td>Flood</td><td>Zone Description</td><td>Panel</td><td colspan="2"></td></tr><tr><td>X</td><td>NO FLOOD HAZARD</td><td>3710363300</td><td colspan="2">0.25</td></tr></table>		Parcel ID	51766	Owner	SELF JANIS R.		Map	3633	Mailing Address			Account	0188136	Address			Deed	1745 433	Last Transaction Date	09/29/2005	Sale Price \$58,500	Plat	A 69	Subdivision	BOGER HGTS	Lot 16 17	Land Value	\$13,400	Improvement Value	\$832	Total Value \$14,232	Previous Parcel					-----All values for Tax Year 2020 -----					Description	#16&17G BOGER HEIGHTS SUB			Deed Acres 0	Address	600 HUSS ST			Tax Acres 0.248	Township	LINCOLNTON			Tax/Fire District LINCOLNTON	Main Improvement	CONVENTIONAL (PRE WWII)			Value \$832	Main Sq Feet	912	Stories	1	Year Built 1930	Zoning District	Calc Acres	Voting Precinct	Calc Acres		R-15	0.25	BC13	0.25		Watershed	0.25	Sewer District	0.25		Census County	109	Tract	070201	Block 3006					0.25	Flood	Zone Description	Panel			X	NO FLOOD HAZARD	3710363300	0.25	
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Property Owners:

Jane Self Lockman and Phillip Lockman,
William Yates Self and Deborah Crouse Self,
Judith Self Bailey and Glenn Robinson Bailey

Copy of Title Opinion Attached on Page 14

Code Enforcement Activity Summary

Code Violations Determined:

- Front door and framing defective / not weathertight
- Front porch and steps defective
- Windows defective / broken / not weathertight
- Window framing defective
- Underpinning missing / defective
- Rear porch and steps defective
- Holes in ceilings throughout (Ceiling material loose and hanging)
- Severe roof leaks throughout
- Severe water damage at ceilings throughout
- Ceiling insulation defective (severe water damage)
- Light fixtures missing / electrical wiring exposed
- Wall paneling defective throughout (severe water damage)
- Holes in walls and ceilings throughout
- Electrical wiring exposed
- Flooring severely water damaged
- HVAC system inoperable
- Flooring defective / water damaged throughout
- Bath fixtures defective inoperable
- Kitchen fixtures defective / inoperable
- Trash and debris throughout
- Electrical outlets / switches missing / defective
- Smoke detector missing / inoperable
- Evidence of mold

**Notice of Violation/ Order of Code Enforcement Officer and Notice of Hearing sent
by certified and regular mail to owners:**

4/3/2020

Copy of One of the Notices Attached on Pages 5 – 13

Notice of Hearing published in Lincoln Times News:

4/8/2020, 4/15/2020, 4/22/2020 and 4/29/2020

Hearing:

5/14/2020

Owners/parties of interest in attendance at hearing:

Judith and Glenn Bailey

Communication from Owner(s) / Parties of Interest:

Mr. and Mrs. Bailey indicated at the hearing that they are not aware of any insurance on the house and they do not have the resources to cover the costs to repair or demolish the structure.

Notice of Findings of Fact and Order of Code Enforcement Officer sent by certified and regular mail:

6/1/2020

Notice of Findings of Fact published in Lincoln Times News:

6/1/2020, 6/8/2020, 6/15/2020 and 6/22/2020

Deadline for Compliance:

8/29/2020

Owners have not taken any action to repair or demolish.

Action Requested

In accordance with Section 150.084 of the Minimum Housing Standards Ordinance, staff recommends City Council authorize and direct the City Attorney to petition Superior Court for an order directing the owners to comply with the order of the Code Enforcement Officer.

R-17-20
RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
600 HUSS STREET IN THE CITY OF LINCOLNTON
TO COMPLY WITH ORDER
OF THE CODE ENFORCEMENT OFFICER

WHEREAS, the City Council of the City of Lincolnton finds that the structure herein described is unsafe and thereby constitutes a fire and safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owners of this structure have failed to comply with a lawful Order of the Code Enforcement Official to repair or demolish the same within the time therein prescribed; and

WHEREAS, G. S. 160A-446 and Section 150.084 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-432 to petition the Superior Court of Lincoln County for an order requiring the owners, Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey and Glenn Robinson Bailey, of the structure located at 600 Huss Street in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Minimum Housing Standards Ordinance contained in Chapter 150 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

ED HATLEY, MAYOR

ATTEST:

DAPHNE INGRAM, CITY CLERK

**CITY OF LINCOLNTON
CODE ENFORCEMENT OFFICE
P.O. Box 617
Lincolnton NC 28093-0617
704-458-3106**

VIOLATION NOTICE AND ORDER

**COMPLAINT AND NOTICE OF HEARING
BEFORE BUILDING INSPECTOR
RELATING TO DEMOLITION AND REMOVAL OF BUILDING**

April 3, 2020

TO: Judith Self Bailey
Glenn Robinson Bailey
1056 Leaping Brook Rd.,

Lincolnton, NC 28092

RE: *Minimum Housing Code Violations*
PID # 51766 – 600 Huss Street

Dear Mr. & Mrs. Bailey:

The City of Lincolnton has established Minimum Housing Code standards for residential structures in the City's jurisdiction. This code was established to protect the health and safety of the City's residents.

Pursuant to the Code, the City conducts inspections of residential structures for compliance with the Minimum Housing Code. The above referenced property was inspected by the City to determine its compliance with the Code. The inspection revealed certain health and safety items, which appear to be in violation of the Code.

YOU ARE HEREBY NOTIFIED that the abandoned structure located at the place designated is in a condition that appears to be hazardous to the public health, safety and welfare and to violate one or more items in §§150.073 through §150.078 of the Code of Ordinances of the City of Lincolnton, North Carolina in the following ways: The apparent violations are attached (see "Minimum Housing Code Violations").

Property:	600 Huss Street, Lincolnton, North Carolina
Owner:	James Self, Heirs, Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Code Enforcement Officer of the City of Lincolnton at his office on the 2nd floor of the City Hall at **10:00 a.m. on the 14th day of May, 2020**, for the purpose of finding the facts as to whether or not the condition of the structure falls within the scope of the above-mentioned sections (§§150.073 – 150.078) of the Code of Ordinances of the City of Lincolnton, North Carolina.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Code Enforcement Officer shall find that the conditions of the above-described structure do in fact violate the provisions of §§150.073 – 150.078, of the code of Ordinances of the City of Lincolnton, North Carolina, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lincolnton, the Code Enforcement Officer will issue an order in writing directed to the owner of such structure requiring the owner to remedy these conditions by repairing the same or else by demolishing or removing the same, or by taking such steps as may be necessary to remedy these conditions. The Code Enforcement Officer may make such other orders and take such other procedures as are authorized under the Code of Ordinances of the City of Lincolnton, North Carolina and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting James Luster at (704) 458-3106 (cell) or jluster@centralina.org.

This the 3rd day of April 2020.

James W. Luster

Code Enforcement Officer

CITY OF LINCOLNTON
MINIMUM HOUSING CODE
VIOLATIONS

Property Address: 600 Huss Street
Lincolnton, NC 28092
Owners: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah
Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

Violations:

1. Front door and framing defective / not weathertight
2. Front porch and steps defective
3. Windows defective / broken / not weathertight
4. Window framing defective
5. Underpinning missing / defective
6. Rear porch and steps defective
7. Holes in ceilings throughout (Ceiling material loose and hanging)
8. Severe roof leaks throughout
9. Severe water damage at ceilings throughout
10. Ceiling insulation defective (severe water damage)
11. Light fixtures missing / electrical wiring exposed
12. Wall paneling defective throughout (severe water damage)
13. Holes in walls and ceilings throughout
14. Electrical wiring exposed
15. Flooring severely water damaged
16. HVAC system inoperable
17. Flooring defective / water damaged throughout
18. Bath fixtures defective inoperable
19. Kitchen fixtures defective / inoperable
20. Trash and debris throughout
21. Electrical outlets / switches missing / defective
22. Smoke detector missing / inoperable
23. Evidence of mold

Note: All appropriate permits must be secured from the City Planning Department and County Building Inspections Department prior to start of work. Certificate of completion must be secured from County Building Inspections Department and a copy must be provided to the City of Lincolnton when all work is completed.

Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

Owner Address: 600 Huss St., Lincolnton NC 28092

Note: (General structure comments)

This is a severely deteriorated residential structure which in its present condition poses significant health and safety risks.



Front View

Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

Owner Address: 600 Huss St., Lincolnton NC 28092

Note: (General structure comments)



Front / Right side view



Right Side View



Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse
Self, Judith Self Bailey, Glenn Robinson Bailey



Front / Right side view



Left side view / Gable vent removed
Smoke / fire damage



Insulation loose, hanging and water damaged



Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

Note: (General structure comments)



Ceiling material loose, missing,
Severely fire, smoke and water damaged



Ceiling insulation loose and fallen



View from inside kitchen to rear yard area

Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey



Interior walls, ceilings and floors
Severely fire, smoke and water damaged



Fire damaged debris in front yard area



Building Condition Photo Documentation Form

Property Address: 600 Huss St., Lincolnton, NC

Owner: Jane Self Lockman, Phillip Lockman, William Yates Self, Deborah Crouse Self, Judith Self Bailey, Glenn Robinson Bailey

Owner Address: 600 Huss St., Lincolnton NC 28092



Furniture, trash and debris in side yard area



March 5, 2020

City of Lincolnton Code Enforcement

RE: Parcel ID No. 51766, Property at 600 Huss Street

To Whom It May Concern:

I have performed a title search on the above-referenced property, which is attached hereto. The last deed recorded in the chain of title is that deed recorded September 29, 2005 to Janis R. Self in Book 1745 at Page 433 of the Lincoln County Public Registry. Ms. Janis R. Self died June 24, 2017 at the Brian Center and Rehab in Gaston County. Upon her death, all title to the property would have passed through intestate succession as there was no estate filed in Lincoln County. An estate was filed in Gaston County, only for the collection of money owed to the Brian Center in File No. 17E1332.

Pursuant to review of the obituary from Burke Mortuary, Ms. Self was survived by three siblings: a brother, William Yates Self (and wife, Debbie), and two sisters, Judy Bailey (and husband, Glenn) and Jane Lockman (and husband, Phillip). All parties listed herein should be notified of any proceeding regarding this property at the following addresses:

Jane Self Lockman a/k/a Sherry Jane Self Lockman and husband, Phillip Lockman
987 Salem Church Road
Lincolnton, NC 28650

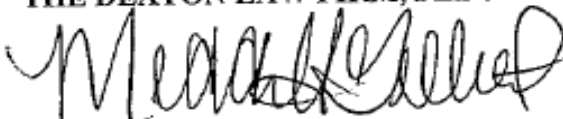
William Yates Self and wife, Deborah Crouse Self
2969 Union Church Road
Lincolnton, NC 28092

Judith Self Bailey and husband, Glenn Robinson Bailey
1056 Leaping Brook Road
Lincolnton, NC 28092

Please let me know if there are any additional questions or concerns.

Sincerely,

THE DEATON LAW FIRM, PLLC



Megan H. Gilbert
Attorney at Law

ITEM

2d

R-18-20

Resolution to Authorize & Direct
City Attorney to Petition for Court
Order Directing Compliance with
order from Code Enforcement
Officer: 511 N. Flint Street

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Minimum Housing Standards Ordinance for **511 N. Flint Street**

DATE: September 3, 2020

Property Address

511 N. Flint Street

		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: 8/20/2020			
					
		Parcel ID	20367	Owner	CARPENTER SCOTT D JR (HEIRS) CARPENTER CHELSEA LYNN
Map Account	3633 0269158	Mailing Address			
Deed	2765 912	Last Transaction Date	08/28/2018	Sale Price	\$0
Plat		Subdivision	MCBEE LAND DIV	Lot	2
Land Value	\$22,000	Improvement Value	\$1,975	Total Value	\$23,975
Previous Parcel					
-----All values for Tax Year 2020 -----					
Description	511 N FLINT ST	Deed Acres	0		
Address	511 N FLINT ST	Tax Acres	0.418		
Township	LINCOLNTON	Tax/Fire District	LINCOLNTON		
Main Improvement	CONVENTIONAL (PRE WWII)	Value	\$1,975		
Main Sq Feet	2177	Stories	1		
Year Built	1900				
Zoning District	Calc Acres	Voting Precinct	Calc Acres		
R-10	0.42	LN11	0.42		
Watershed	0.42		Sewer District	0.42	
Census County	109	Tract	070100	Block	2017
Flood	X	Zone Description	NO FLOOD HAZARD		
Panel	3710363300	Value	0.34		
Panel	3710362300	Value	0.08		

Property Owners

Any possible issue of Scott D. Carpenter, Jr.
Chelsea Lynn Carpenter

Copy of Title Opinion Attached on Pages 17 - 18

Code Enforcement Activity Summary

Code Violations Determined:

- Fascia material deteriorated
- Sill deteriorated at entry door threshold
- Gutters loose and hanging
- Windows and framing deteriorated
- Windows defective / broken / not weathertight
- Rafter tails and fascia material deteriorated
- Holes in roof system
- Rear steps defective / handrails missing
- Rear door and framing defective
- Underpinning missing / defective
- Holes in foundation wall
- Holes in floors / Sills and joists deteriorated
- Gable vent missing
- Grass and weeds overgrown
- Holes in ceilings throughout (Ceiling material loose and hanging)
- Severe roof leaks throughout
- Severe water damage at ceilings throughout
- Ceiling insulation defective (severe water damage)
- Ceiling light fixtures missing / defective
- Wall paneling defective throughout (severe water damage)
- Flooring severely water damaged
- HVAC system inoperable
- HVAC floor registers missing
- Floor covering missing
- Kitchen and Bath fixtures defective inoperable
- Walls, floors and ceilings unsanitary throughout
- Trash and debris throughout
- Electrical outlets / switches missing / defective
- Smoke detector missing / inoperable
- Evidence of mold

Notice of Violation/ Order of Code Enforcement Officer and Hearing sent by certified and regular mail to Scott D. Carpenter, Jr and Chelsea Lynn Carpenter:

4/8// 2020

Copy of One of the Notices Attached on Pages 5 - 16

Notice of Hearing published in Lincoln Times News:

4/13/2020, 4/20/2020, 4/27/2020 and 5/2/2020

Hearing:

5/21/2020

Owners/parties of interest in attendance at hearing:

None

Communication from Owner(s)/ Parties of Interest:

None

Notice of Findings of Fact and Order of Code Enforcement Officer sent by certified and regular mail:

6/1/2020

Notice of Findings of Fact and Order published in Lincoln Times News:

6/1/2020, 6/8/2020, 6/15/2020 and 6/22/2020

Deadline for Compliance:

8/29/2020

Owners have not taken any action to repair or demolish.

Action Requested

In accordance with Section 150.084 of the Minimum Housing Standards Ordinance, staff recommends that City Council authorize and direct the City Attorney to petition Superior Court for an order directing the owner to comply with the order of the Code Enforcement Officer.

R-18-20
RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
511 N. FLINT STREET IN THE CITY OF LINCOLNTON
TO COMPLY WITH ORDER
OF THE CODE ENFORCEMENT OFFICER

WHEREAS, the City Council of the City of Lincolnton finds that the structure herein described is unsafe and thereby constitutes a fire and safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owner of this structure has failed to comply with a lawful Order of the Code Enforcement Official to repair or demolish the same within the time therein prescribed; and

WHEREAS, G. S. 160A-446 and Section 150.084 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-432 to petition the Superior Court of Lincoln County for an order requiring the owners, Chelsea Lynn Carpenter and any issue of Scott D. Carpenter, Jr. of the structure located at 511 N. Flint Street in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Minimum Housing Standards Ordinance contained in Chapter 150 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

ED HATLEY, MAYOR

ATTEST:

DAPHNE INGRAM, CITY CLERK

**CITY OF LINCOLNTON
CODE ENFORCEMENT OFFICE
P.O. Box 617
Lincolnton NC 28093-0617
704-458-3106**

VIOLATION NOTICE AND ORDER

**COMPLAINT AND NOTICE OF HEARING
BEFORE BUILDING INSPECTOR
RELATING TO DEMOLITION AND REMOVAL OF BUILDING**

April 8, 2020

TO: Any possible issue of Scott D. Carpenter, Jr.
1417 Avoncroft Drive
Fayetteville, NC 28306

RE: *Minimum Housing Code Violations*
PID # 20367 – 511 N. Flint Street

Dear Mr. Carpenter:

The City of Lincolnton has established Minimum Housing Code standards for residential structures in the City's jurisdiction. This code was established to protect the health and safety of the City's residents.

Pursuant to the Code, the City conducts inspections of residential structures for compliance with the Minimum Housing Code. The above referenced property was inspected by the City to determine its compliance with the Code. The inspection revealed certain health and safety items, which appear to be in violation of the Code.

YOU ARE HEREBY NOTIFIED that the abandoned structure located at the place designated is in a condition that appears to be hazardous to the public health, safety and welfare and to violate one or more items in §§150.073 through §150.078 of the Code of Ordinances of the City of Lincolnton, North Carolina in the following ways: The apparent violations are attached (see "Minimum Housing Code Violations").

Property:	511 N. Flint St., Lincolnton, NC 28093
Owner:	Scott D. Carpenter, Jr. Heirs & Chelsea Lynn Carpenter

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Code Enforcement Officer of the City of Lincolnton at his office on the 2nd floor of the City Hall at **11:00 a.m. on the 21st day of May, 2020**, for the purpose of finding the facts as to whether or not the condition of the structure falls within the scope of the above-mentioned sections (§§150.073 – 150.078) of the Code of Ordinances of the City of Lincolnton, North Carolina.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Code Enforcement Officer shall find that the conditions of the above-described structure do in fact violate the provisions of §§150.073 – 150.078, of the code of Ordinances of the City of Lincolnton, North Carolina, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lincolnton, the Code Enforcement Officer will issue an order in writing directed to the owner of such structure requiring the owner to remedy these conditions by repairing the same or else by demolishing or removing the same, or by taking such steps as may be necessary to remedy these conditions. The Code Enforcement Officer may make such other orders and take such other procedures as are authorized under the Code of Ordinances of the City of Lincolnton, North Carolina and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting James Luster at (704) 458-3106 (cell) or jluster@centralina.org.

This the 8th day of April, 2020.

James W. Luster

Code Enforcement Officer

CITY OF LINCOLNTON
MINIMUM HOUSING CODE
VIOLATIONS

Property Address: 511 N. Flint Street
Lincolnton, NC 28093
Owner: Scott D. Carpenter, Jr., (Heirs) & Chelsea Lynn Carpenter

Violations:

1. Fascia material deteriorated
2. Sill deteriorated at entry door threshold
3. Gutters loose and hanging
4. Windows and framing deteriorated
5. Windows defective / broken / not weathertight
6. Rafter tails and fascia material deteriorated
7. Holes in roof system
8. Rear steps defective / handrails missing
9. Rear door and framing defective
10. Underpinning missing / defective
11. Holes in foundation wall
12. Holes in floors / Sills and joists deteriorated
13. Gable vent missing
14. Grass and weeds overgrown
15. Holes in ceilings throughout (Ceiling material loose and hanging)
16. Severe roof leaks throughout
17. Severe water damage at ceilings throughout
18. Ceiling insulation defective (severe water damage)
19. Ceiling light fixtures missing / defective
20. Wall paneling defective throughout (severe water damage)
21. Flooring severely water damaged
22. HVAC system inoperable
23. HVAC floor registers missing
24. Floor covering missing
25. Kitchen and Bath fixtures defective inoperable
26. Walls, floors and ceilings unsanitary throughout
27. Trash and debris throughout
28. Electrical outlets / switches missing / defective
29. Smoke detector missing / inoperable
30. Evidence of mold

Note: All appropriate permits must be secured from the City Planning Department and County Building Inspections Department prior to start of work. Certificate of completion must be secured from County Building Inspections Department and a copy must be provided to the City of Lincolnton when all work is completed.

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter

Note: (General structure comments)

This is a severely deteriorated residential structure which in its present condition poses significant health and safety risks.



Front View

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Holes in roof system / Gutters loose



Sill rotted at entry door threshold



Rafter tails and fascia material deteriorated
Windows broken / not weathertight

Fascia material deteriorated



Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Rear steps defective / handrails missing

Exterior door and framing defective



Windows broken / missing / not weathertight

Exterior door and framing defective



Holes in floors / sills and joists deteriorated



Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Hole in foundation wall



Holes in roof system / Fascia material deteriorated



Gable vent missing



Evidence of vagrants

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Grass and weeds overgrown



Porch ceiling water damaged / ceiling material loose / falling



Wall studs exposed / Sheetrock missing



Windows broken / Not weathertight

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Holes at wall baseboards



Ceiling material defective / Holes in ceilings



Fireplace defective / bricks loose / missing



Holes in floors

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Holes in ceilings / joists and rafters deteriorated / Insulation loose and water damaged



Holes in floors / joists deteriorated



Holes in ceilings / insulation loose / hanging

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Bath plumbing fixtures missing



Bath fixtures, walls and floors unsanitary



Ceiling material loose and hanging



Ceiling material water damaged / loose / defective

Building Condition “Photo Documentation” Form:

Property Address: 511 N. Flint St., Lincolnton, NC

Owner: Scott D. Carpenter, heirs & Chelsea Lynn Carpenter



Bath flooring unsanitary / Trash and debris throughout



Holes in ceilings

Holes in ceilings / Mold and mildew at ceilings

Holes in floors



April 6, 2020

City of Lincolnton Code Enforcement

RE: Parcel ID No. 20367, Property at 511 Flint Street, Lincolnton

To Whom It May Concern:

I have performed a title search on the above-referenced property, which is attached hereto. During the search, the last deed recorded in the chain of title is that deed recorded July 30, 1921 to Ola H. Heafner in Book 129 at Page 76 of the Lincoln County Public Registry. Ms. Ola M. Heafner died in Lincoln County. Upon her death, all title in said property vested in the name of Essie C. Hines. Essie C. Hines died September 13, 1973, with an estate found in Lincoln County in 73-E-130, leaving all interest intestate in said property to her grandson, Paul G. Carpenter. Paul G. Carpenter died May 25, 2016, leaving all interest in said property to two grandchildren, Scott D. Carpenter, Jr. and Chelsea Lynn Carpenter, via his last will and testament probated in File 16-E-335.

On August 28, 2018, Scott D. Carpenter Jr. filed a Renunciation and Disclaimer of Property and Interest in Book 2765 at Page 912 of the Lincoln County Registry, attempting to disclaim all interest in said property. However, since Mr. Carpenter's disclaimer was not filed within 9 months of Paul G. Carpenter's death, the disclaimer instead transferred all interest to any *issue* of Scott D. Carpenter, Jr., meaning any children of Mr. Carpenter, if any. If Mr. Carpenter has no children, then all his interest would have passed to his sister, Chelsea Lynn Carpenter. It appears that Mr. Carpenter is in the military and has lived in many different locations over the years, therefore it is nearly impossible to track any information regarding any children born to him.

I have also taken the liberty of speaking with Attorney TJ Wilson, who is the Executor of the Estate of Paul G. Carpenter. Their office has attempted to contact Chelsea Lynn Carpenter and Scott D. Carpenter, Jr., and all correspondence has been returned to their office. They are not sure of the whereabouts of either party.

The most recent addresses available for both individuals is:

Any possible issue of Scott D. Carpenter, Jr.
1417 Avoncroft Drive
Fayetteville, NC 28306

Chelsea Lynn Carpenter
1613 Arden Drive
Lincolnton, NC 28092

Please let me know if there are any additional questions or concerns.

Sincerely,

THE DEATON LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read "Megan H. Gilbert". The signature is fluid and cursive, with the first name "Megan" being more prominent than the last name "Gilbert".

Megan H. Gilbert
Attorney at Law

ITEM

2e

R-19-20

Resolution to Authorize & Direct
City Attorney to Petition for Court
Order Directing Compliance with
order from Code Enforcement
Officer: 1216 E. Pine Street

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Minimum Housing Standards Ordinance for **1216 E. Pine Street**

DATE: September 3, 2020

Property Address: 1216 East Pine Street



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: 8/20/2020



Parcel ID	16081	Owner	LOVE GEORGE HEIRS OF LOVE CORINE HEIRS OF	
Map	3633	Mailing		
Account	0231049	Address		
Deed	11E 75	Last Transaction Date	12/31/2010	Sale Price \$0
Plat		Subdivision		Lot
Land Value	\$6,419	Improvement Value	\$4	Total Value \$6,423
Previous Parcel				
-----All values for Tax Year 2020 -----				
Description	1216 E PINE ST HOME		Deed Acres	0
Address	1216 E PINE ST		Tax Acres	0.073
Township	LINCOLNTON	Tax/Fire District	LINCOLNTON	
Main Improvement	BUNGALOW		Value	\$4
Main Sq Feet	666	Stories	1	Year Built 1930
Zoning District	Calc Acres	Voting Precinct	Calc Acres	
P-B	0.07	LN11	0.07	
Watershed		Sewer District		
	0.07		0.07	
Census County		Tract	Block	
109		070100	1000	0.07
Flood	Zone Description	Panel		
X	NO FLOOD HAZARD	3710363300	0.07	

Property Owners

Joyce Kimbel
Walter Clayton Darnell Love
Melvin Henry Moore

Copy of Title Opinion Attached on Page 14 - 15

Guardian Ad Litem appointed to represent any unknown heirs

Code Enforcement Activity Summary

Code Violations Determined:

- Holes in roof / roof system severely deteriorated
- Roof system joists defective /
- Water damage at ceiling throughout
- Insulation water damaged / missing
- Holes in ceilings
- Ceilings, walls and floors unsanitary throughout
- Floor system deteriorated
- Floor joists and sills rotted
- Front porch and steps defective
- Screen porch defective (screen torn / framing damaged)
- Windows and framing defective throughout)
- Windows defective / broken / not weathertight
- Window framing defective
- Exterior doors and framing defective (not weathertight)
- Door hardware missing
- Holes in foundation wall / foundation vents missing
- Underpinning missing / defective
- Rear porch flooring and ceiling defective
- Ceiling light fixtures missing / defective
- Wall paneling defective throughout (severe water damage)
- Flooring severely water damaged
- HVAC system inoperable
- HVAC floor registers missing
- Floor covering missing
- Flooring defective / water damaged throughout
- Bath fixtures defective inoperable
- Kitchen fixtures defective / inoperable
- Trash and debris throughout
- Electrical outlets / switches missing / defective
- Smoke detector missing / inoperable
- Evidence of mold

Notice of Violation/ Order of Code Enforcement Officer and Notice of Hearing sent by certified and regular mail to owners

3/26//2020

Copy of Notice Attached on Pages 5 – 13

Notice of Hearing published in Lincoln Times News:

3/30/2020, 4/6/2020, 4/13/2020 and 4/20/2020

Hearing:

5/7/2020

Owners/parties of interest in attendance at hearing:

No one appeared at the appeared at the hearing on behalf of the owner or parties in interest.

Notice of Findings of Fact and Order of Code Enforcement Officer sent by certified and regular mail:

6/1/2020

Notice of Findings of Fact published in Lincoln Times News:

6/1/2020, 6/8/2020, 6/15/2020 and 6/22/2020

Deadline for Compliance:

8/29/2020

Owners have not taken any action to repair or demolish.

Action Requested

In accordance with Section 150.084 of the Minimum Housing Standards Ordinance, staff recommends that City Council authorize and direct the City Attorney to petition Superior Court for an order directing the owners to comply with the order of the Code Enforcement Officer.

R-19-20
RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
1216 E PINE STREET IN THE CITY OF LINCOLNTON
TO COMPLY WITH ORDER
OF THE CODE ENFORCEMENT OFFICER

WHEREAS, the City Council of the City of Lincolnton finds that the structure herein described is unsafe and thereby constitutes a fire and safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owners of this structure have failed to comply with a lawful Order of the Code Enforcement Official to repair or demolish the same within the time therein prescribed; and

WHEREAS, G. S. 160A-446 and Section 150.084 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-432 to petition the Superior Court of Lincoln County for an order requiring the owners, Joyce Kimbel, Walter Clifton Darnell Love and Melvin Henry Moore, of the structure located at 1216 E. Pine Street in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Minimum Housing Standards Ordinance contained in Chapter 150 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

ED HATLEY, MAYOR

ATTEST:

DAPHNE INGRAM, CITY CLERK

CITY OF LINCOLNTON
CODE ENFORCEMENT OFFICE
P.O. Box 617
Lincolnton NC 28093-0617
704-458-3106

VIOLATION NOTICE AND ORDER

COMPLAINT AND NOTICE OF HEARING
BEFORE BUILDING INSPECTOR
RELATING TO DEMOLITION AND REMOVAL OF BUILDING

March 26, 2020

TO: Walter Clifton Darnell Love
2405 Chatham Dr.
Greensboro, NC 27408

RE: *Minimum Housing Code Violations*
1216 E. Pine Street, Lincolnton, NC – Tax ID # 16081

Dear Mr. Moore:

The City of Lincolnton has established Minimum Housing Code standards for residential structures in the City's jurisdiction. This code was established to protect the health and safety of the City's residents.

Pursuant to the Code, the City conducts inspections of residential structures for compliance with the Minimum Housing Code. The above referenced property was inspected by the City to determine its compliance with the Code. The inspection revealed certain health and safety items, which appear to be in violation of the Code.

YOU ARE HEREBY NOTIFIED that the abandoned structure located at the place designated is in a condition that appears to be hazardous to the public health, safety and welfare and to violate one or more items in §§150.073 through §150.078 of the Code of Ordinances of the City of Lincolnton, North Carolina in the following ways: The apparent violations are attached (see "Minimum Housing Code Violations").

Property:	1216 E. Pine St., Lincolnton, NC
Owner:	Joyce Kimbel, Walter Clayton Darnell Love, Melvin Henry Moore

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Code Enforcement Officer of the City of Lincolnton at his office on the 2nd floor of the City Hall at **10:00 a.m. on the 7th day of May, 2020**, for the purpose of finding the facts as to whether or not the condition of the structure falls within the scope of the above-mentioned sections (§§150.073 – 150.078) of the Code of Ordinances of the City of Lincolnton, North Carolina.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Code Enforcement Officer shall find that the conditions of the above-described structure do in fact violate the provisions of §§150.073 – 150.078, of the code of Ordinances of the City of Lincolnton, North Carolina, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lincolnton, the Code Enforcement Officer will issue an order in writing directed to the owner of such structure requiring the owner to remedy these conditions by repairing the same or else by demolishing or removing the same, or by taking such steps as may be necessary to remedy these conditions. The Code Enforcement Officer may make such other orders and take such other procedures as are authorized under the Code of Ordinances of the City of Lincolnton, North Carolina and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting James Luster at (704) 458-3106 (cell) or jluster@centralina.org.

This the 26th day of March, 2020.

James W. Luster

Code Enforcement Officer

CITY OF LINCOLNTON MINIMUM HOUSING CODE VIOLATIONS
--

Property Address: 1216 E. Pine Street
Lincolnton, NC 28092
Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Violations:

1. Holes in roof / roof system severely deteriorated
2. Roof system joists defective /
3. Water damage at ceiling throughout
4. Insulation water damaged / missing
5. Holes in ceilings
6. Ceilings, walls and floors unsanitary throughout
7. Floor system deteriorated
8. Floor joists and sills rotted
9. Front porch and steps defective
10. Screen porch defective (screen torn / framing damaged)
11. Windows and framing defective throughout
12. Windows defective / broken / not weathertight
13. Window framing defective
14. Exterior doors and framing defective (not weathertight)
15. Door hardware missing
16. Holes in foundation wall / foundation vents missing
17. Underpinning missing / defective
18. Rear porch flooring and ceiling defective
19. Ceiling light fixtures missing / defective
20. Wall paneling defective throughout (severe water damage)
21. Flooring severely water damaged
22. HVAC system inoperable
23. HVAC floor registers missing
24. Floor covering missing
25. Flooring defective / water damaged throughout
26. Bath fixtures defective inoperable
27. Kitchen fixtures defective / inoperable
28. Trash and debris throughout
29. Electrical outlets / switches missing / defective
30. Smoke detector missing / inoperable
31. Evidence of mold

Note: All appropriate permits must be secured from the City Planning Department and County Building Inspections Department prior to start of work. Certificate of completion must be secured from County Building Inspections Department and a copy must be provided to the City of Lincolnton when all work is completed.

Building Condition "Photo Documentation" Form:

Property Address: 1216 E. Pine St., Lincolnton, NC
Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore
Owner Address: 3015 Crawford Ave., Gastonia NC 28052

Note: (General structure comments)

This is a severely deteriorated residential structure which in its present condition poses significant health and safety risks.



Front View

Building Condition “Photo Documentation” Form:

Property Address: 1216 E. Pine St., Lincolnton, NC

Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Owner Address: 3015 Crawford Ave., Gastonia NC 28052



Unsafe Sign posted by Lincoln County



Holes in roof system / Door framing defective



Windows defective / not weathertight
Chimney defective / Bricks broken / missing
Brush and plant overgrowth
Roof system defective



Building Condition “Photo Documentation” Form:

Property Address: 1216 E. Pine St., Lincolnton, NC

Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Owner Address: 3015 Crawford Ave., Gastonia NC 28052



Screen porch defective
Screen torn / Framing damaged



Trash and debris in front, side and rear yard



Grass weeds and vines overgrown

Building Condition “Photo Documentation” Form:

Property Address: 1216 E. Pine St., Lincolnton, NC

Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Owner Address: 3015 Crawford Ave., Gastonia NC 28052



Holes in walls and ceilings



Cabinets defective (doors and drawers missing)

Trash and debris throughout



Ceiling light fixtures missing
Electrical wiring exposed



Mold / mildew at walls and ceilings

Building Condition "Photo Documentation" Form:

Property Address: 1216 E. Pine St., Lincolnton, NC

Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Owner Address: 3015 Crawford Ave., Gastonia NC 28052



Electrical outlets missing / wiring exposed



Door defective / Not weathertight
Door hardware missing



Ceiling light fixture missing / wiring exposed

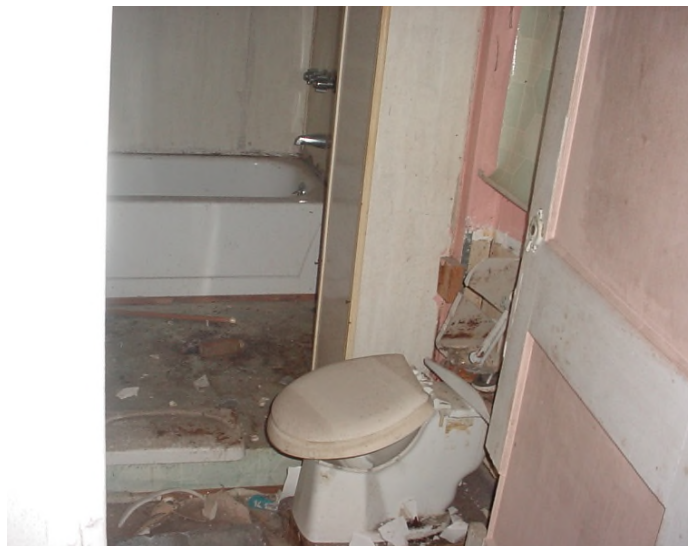


Building Condition "Photo Documentation" Form:

Property Address: 1216 E. Pine St., Lincolnton, NC

Owner: Joyce Kimbel, Walter Clifton Darnell Love, Melvin Henry Moore

Owner Address: 3015 Crawford Ave., Gastonia NC 28052



P.O. Box 2459
3638 N. Hwy 16
Denver, NC 28037
Phone 704.489.2491
Fax 704.489.2493



Wesley L. Deaton †
Attorney at Law
Jacob R. Glass
Attorney at Law
Megan H. Gilbert
Attorney at Law

† Also Licensed in New York

February 24, 2020

City of Lincolnton Code Enforcement

RE: Parcel ID No. 16081, Property at 1216 E. Pine Street

To Whom It May Concern:

I have performed a title search on the above-referenced property, which is attached hereto. During the search, the last deed recorded in the chain of title is that deed recorded February 10, 1984 to Maggie Love, as a life tenant, and remainder interest to Corine Love and George Love as tenants in common in Book 609 at Page 287 of the Lincoln County Public Registry. Corine Love died June 30, 1988 in Lincoln County, with no estate file. Maggie Love died January 5, 1991 in Lincoln County which terminated her life estate interest in the property. Upon Maggie's death, all interest vested in the George Love and the heirs of Corine Love.

Subsequently, George Love died December 31, 2010 in Lincoln County. An estate was opened in Lincoln County File No. 11-E-75 where a death certificate was filed and the will was filed, but never probated. Therefore, all interest in the above-described property vested in the children of George Love through intestate succession: Joyce Kimbel, Walter Clifton Darnell Love, and Melvin Henry Moore. It should be noted that George Love's Will devised the majority of his estate to a step-son, Johnny Moore, but since it was never probated, it does not act to transfer title to the above-described property.

Since there is no estate for Corine Love, or any children found to have been born to Corine, this is not a definitive list of the surviving heirs of Corine Love. The following individuals should be notified of any proceeding concerning the above-described property, and it may be in the best interest of the City of Lincolnton to appoint a Guardian ad Litem in all proceedings for this property to represent any unknown heirs of Corine Love.

- Joyce Kimbel (3015 Crawford Avenue, Gastonia NC 28052)
- Walter Clifton Darnell Love (2405 Chatham Drive, Greensboro, NC 27408)
- Melvin Henry Moore (NO ADDRESS FOUND)

Please let me know if there are any additional questions or concerns.

Sincerely,

THE DEATON LAW FIRM, PLLC

A handwritten signature in black ink, appearing to read "Megan H. Gilbert". The signature is fluid and cursive, with the first name "Megan" being more prominent than the last name "Gilbert".

Megan H. Gilbert
Attorney at Law

ITEM

2f

R-20-20

Resolution to Authorize & Direct
City Attorney to Petition for Court
Order Directing Compliance with
order from Code Enforcement
Officer: 1220 E. Pine Street

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Minimum Housing Standards for **1220 E. Pine Street**

DATE: September 3, 2020

Property Address

1220 East Pine Street

	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: 8/20/2020																																																																																																
																																																																																																	
 Photo Not Available	<table border="1"><tr><td>Parcel ID</td><td>20472</td><td>Owner</td><td>ROBINSON ZENA HEIRS OF C/O MARGARET ROBINSON</td></tr><tr><td>Map</td><td>3633</td><td>Mailing</td><td></td></tr><tr><td>Account</td><td>0232170</td><td>Address</td><td></td></tr><tr><td>Deed</td><td>55DC 190</td><td>Last Transaction Date</td><td>04/21/1968</td></tr><tr><td>Plat</td><td></td><td>Subdivision</td><td></td></tr><tr><td>Land Value</td><td>\$9,600</td><td>Improvement Value</td><td>\$0</td></tr><tr><td>Previous Parcel</td><td></td><td>Sale Price</td><td>\$0</td></tr><tr><td colspan="3"></td><td>Lot</td></tr><tr><td colspan="3"></td><td>Total Value</td><td>\$9,600</td></tr><tr><td colspan="4"> -----All values for Tax Year 2020 ----- </td></tr><tr><td>Description</td><td>1220 E PINE</td><td>Deed Acres</td><td>0</td></tr><tr><td>Address</td><td>1220 E PINE ST</td><td>Tax Acres</td><td>0.243</td></tr><tr><td>Township</td><td>LINCOLNTON</td><td>Tax/Fire District</td><td>LINCOLNTON</td></tr><tr><td>Main Improvement</td><td></td><td>Value</td><td></td></tr><tr><td>Main Sq Feet</td><td></td><td>Year Built</td><td></td></tr><tr><td>Zoning District</td><td>Calc Acres</td><td>Voting Precinct</td><td>Calc Acres</td></tr><tr><td>P-B</td><td>0.24</td><td>LN11</td><td>0.24</td></tr><tr><td>Watershed</td><td></td><td>Sewer District</td><td></td></tr><tr><td></td><td>0.24</td><td></td><td>0.24</td></tr><tr><td>Census County</td><td></td><td>Tract</td><td>Block</td></tr><tr><td>109</td><td></td><td>070100</td><td>1000</td></tr><tr><td>Flood</td><td>Zone Description</td><td>Panel</td><td></td></tr><tr><td>X</td><td>NO FLOOD HAZARD</td><td>3710363300</td><td>0.24</td></tr></table>				Parcel ID	20472	Owner	ROBINSON ZENA HEIRS OF C/O MARGARET ROBINSON	Map	3633	Mailing		Account	0232170	Address		Deed	55DC 190	Last Transaction Date	04/21/1968	Plat		Subdivision		Land Value	\$9,600	Improvement Value	\$0	Previous Parcel		Sale Price	\$0				Lot				Total Value	\$9,600	-----All values for Tax Year 2020 -----				Description	1220 E PINE	Deed Acres	0	Address	1220 E PINE ST	Tax Acres	0.243	Township	LINCOLNTON	Tax/Fire District	LINCOLNTON	Main Improvement		Value		Main Sq Feet		Year Built		Zoning District	Calc Acres	Voting Precinct	Calc Acres	P-B	0.24	LN11	0.24	Watershed		Sewer District			0.24		0.24	Census County		Tract	Block	109		070100	1000	Flood	Zone Description	Panel		X	NO FLOOD HAZARD	3710363300	0.24
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Property Owners

Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, and Donna Alesia Robinson

Copy of Title Opinion Attached on Pages 13 – 14

Guardian Ad Litem appointed to represent any unknown heirs

Code Enforcement Activity Summary

Code Violations Determined:

- Roof system collapsed
- Roof system joists defective
- Water damage at ceiling throughout
- Insulation water damaged / missing
- Holes in ceilings
- Ceilings, walls and floors unsanitary throughout
- Wall system collapsed / Wall studs deteriorated
- Floor system deteriorated
- Floor joists and sills rotted
- Front porch ceiling collapsed
- Windows and framing defective throughout)
- Windows defective / broken / not weathertight
- Window framing defective
- Exterior doors and framing defective (not weathertight)
- Foundation wall defective / collapsed / foundation vents missing
- Underpinning missing / defective
- Rear porch ceiling, walls and flooring defective
- Holes in interior walls
- Flooring severely water damaged / Floor system collapsed
- HVAC system inoperable
- HVAC floor registers missing
- Floor covering missing
- Flooring defective / water damaged throughout
- Bath fixtures defective inoperable
- Kitchen fixtures defective / inoperable
- Trash and debris throughout
- Electrical outlets / switches missing / defective
- Smoke detector missing / inoperable
- Vermin contamination

Notice of Violation/ Order of Code Enforcement Officer and Notice of Hearing sent by certified and regular mail to owners:

3/26//2020

Copy of One of the Notices Attached on Pages 6 - 12

Notice of Hearing published in Lincoln Times News:

3/30/2020, 4/6/2020, 4/13/2020 and 4/20/2020

Hearing:

5/7/2020

Owners/parties of interest in attendance at hearing:

Renee Brooks called by phone to participate in the hearing. No one appeared at the hearing in person on behalf of the owner or parties in interest.

Communication from Owner(s) / Parties of Interest:

Ms. Brooks indicated at the hearing that the family does not have the resources to attempt a rebuild or repair of the house or a demolition.

Notice of Findings of Fact and Order of Code Enforcement Officer sent by certified and regular mail:

6/1/2020

Notice of Findings of Fact published in Lincoln Times News:

6/1/2020, 6/8/2020, 6/15/2020 and 6/22/2020

Deadline for Compliance:

8/29/2020

Owners have not taken any action to repair or demolish.

Action Requested

In accordance with Section 150.084 of the Minimum Housing Standards Ordinance, staff recommends that City Council authorize and direct the City Attorney to petition Superior Court for an order directing the owners to comply with the order of the Code Enforcement Officer.

**RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
1220 E PINE STREET IN THE CITY OF LINCOLNTON
TO COMPLY WITH ORDER
OF THE CODE ENFORCEMENT OFFICER**

WHEREAS, the City Council of the City of Lincolnton finds that the structure herein described is unsafe and thereby constitutes a fire and safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owners of this structure have failed to comply with a lawful Order of the Code Enforcement Official to repair or demolish the same within the time therein prescribed; and

WHEREAS, G. S. 160A-446 and Section 150.084 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-432 to petition the Superior Court of Lincoln County for an order requiring the owners, Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, and Donna Alesia Robinson of the structure located at 1220 E. Pine Street in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Minimum Housing Standards Ordinance contained in Chapter 150 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

ED HATLEY, MAYOR

ATTEST:

DAPHNE INGRAM, CITY CLERK

**CITY OF LINCOLNTON
CODE ENFORCEMENT OFFICE
P.O. Box 617
Lincolnton NC 28093-0617
704-458-3106**

VIOLATION NOTICE AND ORDER

**COMPLAINT AND NOTICE OF HEARING
BEFORE BUILDING INSPECTOR
RELATING TO DEMOLITION AND REMOVAL OF BUILDING**

March 26, 2020

TO: Alecia Meche Robinson
1312 Georgetown Rd.,
Lincolnton, NC 28092

RE: *Minimum Housing Code Violations*
1220 E. Pine Street, Lincolnton, NC – Tax ID # 20472

Dear Mrs. Robinson:

The City of Lincolnton has established Minimum Housing Code standards for residential structures in the City's jurisdiction. This code was established to protect the health and safety of the City's residents.

Pursuant to the Code, the City conducts inspections of residential structures for compliance with the Minimum Housing Code. The above referenced property was inspected by the City to determine its compliance with the Code. The inspection revealed certain health and safety items, which appear to be in violation of the Code.

YOU ARE HEREBY NOTIFIED that the abandoned structure located at the place designated is in a condition that appears to be hazardous to the public health, safety and welfare and to violate one or more items in §§150.073 through §150.078 of the Code of Ordinances of the City of Lincolnton, North Carolina in the following ways: The apparent violations are attached (see "Minimum Housing Code Violations").

Property:	1220 E. Pine St., Lincolnton, NC
Owner:	Ollie Robinson, Addie Pauline Robinson, Dianne Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, Donna Alesia Robinson, (Megan Gilbert, Guardian Ad-Litem)

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Code Enforcement Officer of the City of Lincolnton at his office on the 2nd floor of the City Hall at **10:00 a.m. on the 7th day of May, 2020**, for the purpose of finding the facts as to whether or not the condition of the structure falls within the scope of the above-mentioned sections (§§150.073 – 150.078) of the Code of Ordinances of the City of Lincolnton, North Carolina.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be affected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Code Enforcement Officer shall find that the conditions of the above-described structure do in fact violate the provisions of §§ 150.073 – 150.078, of the code of Ordinances of the City of Lincolnton, North Carolina, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lincolnton, the Code Enforcement Officer will issue an order in writing directed to the owner of such structure requiring the owner to remedy these conditions by repairing the same or else by demolishing or removing the same, or by taking such steps as may be necessary to remedy these conditions. The Code Enforcement Officer may make such other orders and take such other procedures as are authorized under the Code of Ordinances of the City of Lincolnton, North Carolina and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting James Luster at (704) 458-3106 (cell) or jluster@centralina.org.

This the 26th day of March, 2020.

James W. Luster

Code Enforcement Officer

CITY OF LINCOLNTON
MINIMUM HOUSING CODE
VIOLATIONS

Property Address: 1220 E. Pine Street
Lincolnton, NC 28092

Violations:

1. Roof system collapsed
2. Roof system joists defective /
3. Water damage at ceiling throughout
4. Insulation water damaged / missing
5. Holes in ceilings
6. Ceilings, walls and floors unsanitary throughout
7. Wall system collapsed / Wall studs deteriorated
8. Floor system deteriorated
9. Floor joists and sills rotted
10. Front porch ceiling collapsed
11. Windows and framing defective throughout)
12. Windows defective / broken / not weathertight
13. Window framing defective
14. Exterior doors and framing defective (not weathertight)
15. Foundation wall defective / collapsed / foundation vents missing
16. Underpinning missing / defective
17. Rear porch ceiling, walls and flooring defective
18. Holes in interior walls
19. Flooring severely water damaged / Floor system collapsed
20. HVAC system inoperable
21. HVAC floor registers missing
22. Floor covering missing
23. Flooring defective / water damaged throughout
24. Bath fixtures defective inoperable
25. Kitchen fixtures defective / inoperable
26. Trash and debris throughout
27. Electrical outlets / switches missing / defective
28. Smoke detector missing / inoperable
29. Vermin contamination

Note: All appropriate permits must be secured from the City Planning Department and County Building Inspections Department prior to start of work. Certificate of completion must be secured from County Building Inspections Department and a copy must be provided to the City of Lincolnton when all work is completed.

Building Condition “Photo Documentation” Form:

Property Address: 1220 E. Pine St., Lincolnton, NC

Owner(s): Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, Donna Alesia Robinson

Note: (General structure comments)

This is a severely deteriorated residential structure which in its present condition poses significant health and safety risks.



Front View

Building Condition “Photo Documentation” Form:

Property Address: 1220 E. Pine St., Lincolnton, NC

Owner(s): Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, Donna Alesia Robinson



Roof system collapsed / Wall System Collapsed



Roof system collapsed / Holes in exterior walls / Windows broken (Not weathertight)

Building Condition “Photo Documentation” Form:

Property Address: 1220 E. Pine St., Lincolnton, NC

Owner(s): Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, Donna Alesia Robinson



Windows defective / Wall System collapsed



Roof system collapsed / Holes in exterior walls



Building Condition “Photo Documentation” Form:

Property Address: 1220 E. Pine St., Lincolnton, NC

Owner(s): Ollie Robinson, Addie Pauline Robinson, Diann Robinson, Boyce Edward Robinson, Phillip Michael Robinson, Alecia Meche Robinson, Amber Shonae Robinson, Margaret Joyce Robinson, Reginald Robinson, Dorothea Robinson, William Paul Robinson, Frankie Marie Robinson, Janice Robinson, Renee Brooks, Leo Patrick Robinson, Donna Alesia Robinson



Roof system and wall system collapsed



February 24, 2020

City of Lincolnton Code Enforcement

RE: Parcel ID No. 20472, Property at 1220 E. Pine Street

To Whom It May Concern:

I have performed a title search on the above-referenced property, which is attached hereto. During the search, the last deed recorded in the chain of title is that deed recorded July 30, 1921 to Elam Robinson and Zena Robinson in Book 135 at Page 64 of the Lincoln County Public Registry. Mr. Elam Robinson died August 30, 1963 in Lincoln County. Upon his death, all title in said property vested in the name of Zena Carpenter Robinson. Zena Carpenter Robinson died April 21, 1968, with no estate found in Lincoln County, therefore leaving all interest in said property to her lawful heirs under intestate succession.

Pursuant to a vital records search in Lincoln County, the following children were born to Zena Robinson, some of who are deceased, and the heirs of those deceased children are also as follows:

- Ollie Robinson
- Addie Pauline Robinson
- William Paul Robinson, who died in 1968 with no heirs of record.
- Elam Robinson, Jr., who died in 1978 with the following heirs:
 - Diann Robinson
 - Alton Delano Robinson, who died in 1996 with the following heirs:
 - Boyce Edward Robinson
 - Alton Delano Robinson, Jr., who died in 2001 with the following heirs:
 - Phillip Michael Robinson
 - Alecia Meche Robinson
 - Amber Shonae Robinson
- Frank A. Robinson, who died in 2000, with no heirs of record
- Pauline Robinson a/k/a Pauline Robinson Gaither, who died in 1978, with one child born in 1933 with no name on the birth certificate.
- Ida Robinson a/k/a Ida Robinson Cobb, who died in 1989, with no heirs of record
- Frances Constance Robinson, who died in 2011 with the following heirs:

- Margaret Joyce Robinson
- Reginald Robinson
- Dortha Robinson
- William Paul Robinson
- Frankie Marie Robinson a/k/a Frankie M. Smith
- Janice Robinson *possibly* Janice Marie Brooks
- Renee Brooks (listed in Estate)
- Annie Robinson Davis, who died in 1980 with no heirs of record
- Lawrence Lee Robinson, who died in 1992 with the following heirs:
 - Leo Patrick Robinson
 - Donna Alesia Robinson

Also, it should be noted that the majority of the deceased heirs died without any estate files, and therefore this list is not a definitive list of the surviving heirs. The following heirs of Zena Carpenter Robinson should be notified of any proceeding concerning the above-described property, and it may be in the best interest of the City of Lincolnton to appoint a Guardian ad Litem in all proceedings for this property to represent any unknown heirs of Zena Carpenter Robinson.

- Ollie Robinson (NO ADDRESS FOUND)
- Addie Pauline Robinson (NO ADDRESS FOUND)
- Diann Robinson (NO ADDRESS FOUND)
- Boyce Edward Robinson (1443 Drexall Lane, Lincolnton NC 28092)
- Phillip Michael Robinson (1312 Georgetown Road, Lincolnton, NC 28092)
- Alecia Meche Robinson (1312 Georgetown Road, Lincolnton, NC 28092)
- Amber Shonae Robinson (1312 Georgetown Road, Lincolnton, NC 28092)
- Margaret Joyce Robinson (136A Hillcrest Drive, Lincolnton, NC 28092)
- Reginald Robinson (1139 Buffalo Shoals Rd, Unit 8, Lincolnton NC 28092)
- Dortha Robinson (NO ADDRESS FOUND)
- William Paul Robinson (PO Box 1502, Lincolnton NC 28093)
- Frankie Marie Robinson a/k/a Frankie M. Smith
- Janice Robinson *possibly* Janice Marie Brooks
- Renee Brooks (106 Cedar Street, Cherryville, NC 28021)
- Leo Patrick Robinson (1117 Gaston Street, Lincolnton NC 28092)
- Donna Alesia Robinson (116 Quiet Hours Way, Mount Airy, NC 27030)

Please let me know if there are any additional questions or concerns.

Sincerely,

THE DEATON LAW FIRM, PLLC



Megan H. Gilbert
Attorney at Law

ITEM

3

PUBLIC HEARING

ITEM #

3a

Potential Application for
CDBG Grant for New
Public Facility

Notes for **CDBG – Covid** for Lincoln County Coalition Against Domestic Violence
(LCCADV) dba **Amy's House**

Since last November, discussions with Cliff Brumfield, CCOG and the Department of Commerce confirmed LCCADV's New Shelter is minimally qualified for the current CDBG-Neighborhood Revitalization. The issue is that we have no defined low-income housing component. That could be remedied by the City of Lincoln adding de minimus low-income housing to our grant application, but that would be difficult to do and get the application completed by the end of August.

In discussions with Iris Payne, Director of the Rural Development part of the DOC, she has a HUD contract in effect for a new round of CDBG-Covid from CARES funding. Final regulations and the NOFA are expected to be issued around the end of August. This CDBG will be first come, first served and is valued up to \$900,000. Winning that amount would firm up our New Shelter funding to a large degree, allowing construction to begin in 2021.

Although no promises, from our discussion about the spike in DV as a result of Covid, our increased demand and the inability of our current facility to support social distancing and other best practices, she expressed an opinion that we would qualify.

Cliff and I have talked to James Luster of CCOG, who agrees he is probably the optimal grant writer, with information/data support from us. CCOG will need a contract with the City of Lincoln to begin once the NOFA is issued.

Iris suggested that the City go ahead and do the initial advertisement and public hearing for something general like "The City is considering applying for a CDBG to support the construction of a new Public Facility to replace existing, aging space used by a local non-profit." Grant requirements may dictate another public hearing before submitting the application.

LCCADV will pay the City for the CDBG application fee when required.

ITEM

3b

CUP-4-2020

Application from Townhomes at
Lincoln County Club, LLC
requesting an amendment to a
conditional use permit for a 33-
unit condominium complex on
5.25 acres of land in the
CU-RMF district

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

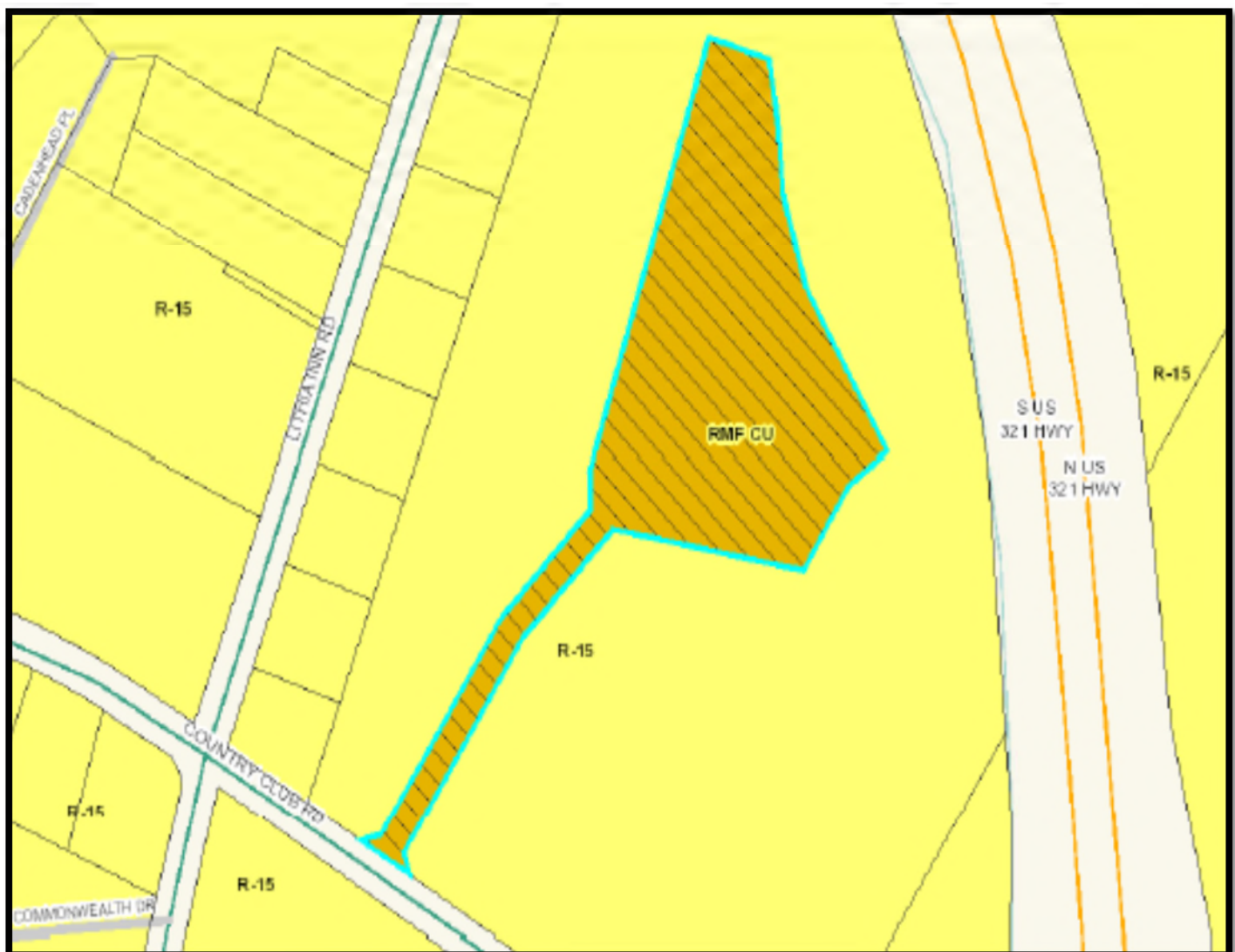
SUBJECT: CUP -4- 2020 Application for conditional use permit amendment from Townhomes at Lincoln Country Club, LLC to amend the screening requirements.

DATE: September 3, 2020

SITE AND AREA DESCRIPTION

The Townhomes at Lincoln Country Club LLC is requesting amendment of the previously approved conditional use permit for a 5.25 acre site located on the Lincoln Country Club property approximately 650 north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range.

The site is zoned RMF-CU (Conditional Use Residential Multi Family). A conditional use rezoning was approved in 2006 to allow 33 condominiums. Surrounding properties are zoned R-15.



The site is vacant. Surrounding properties are devoted to a driving range, golf course, single family residential and a condominium complex.





BACKGROUND

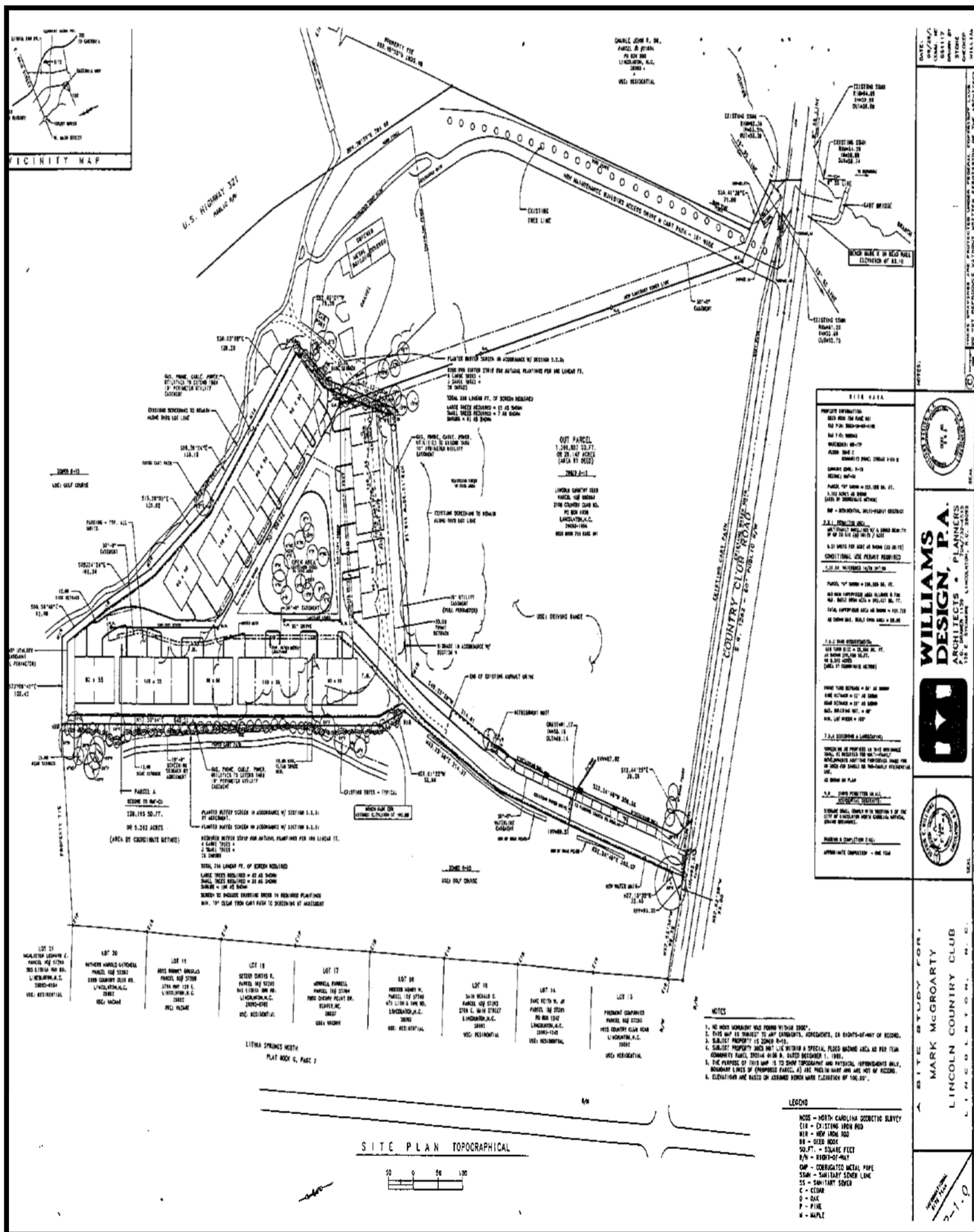
The UDO requires screening of multi family developments from all lots located in residential zoning. Where natural plantings are used, a buffer strip of at least 20 feet in width is to be planted and is to include a minimum of 6 large trees, 3 small trees and 28 shrubs per 100 linear feet. The ordinance also specifies minimum plant sizes at the time of planting.

APPROVED SITE PLAN

The site plan that was approved as a result of the 2006 conditional rezoning notes screening along the project edges as follows:

- Northeastern edge (generally parallel to Highway 321): Existing screening to remain along this lot line.
- Eastern edge (near maintenance shed) : Planted buffer screen in accordance with ordinance standards.
- Southern edge (generally parallel to Country Club Road): Existing screening to remain along this lot line.
- Western edge (generally parallel to Lithia Inn Road): Planted buffer screen in accordance with ordinance standards. Screen to include existing trees in required plantings.

The approved 2006 site plan is below:



PROPOSED SCREENING PLAN

The applicant proposes an amendment to the 2006 approved plan to substitute its screening and buffering requirements and conditions with the below proposed screening plan. Screening and buffering provided under the applicant's proposed plan is as follows:

Western and Eastern Project Edges

Trees to be installed within the buffer along the western edge (generally parallel to Lithia Inn Rd) and along the eastern edge (near the maintenance shed) will far exceed the ordinance minimums with respect to caliper and height at the time of installation. The below chart outlines the screening requirements under the ordinance and compares those requirements with the applicant's proposed screening plan for the western and eastern project edges.

	Ordinance Requirement	Applicant's Proposed Plan
Large trees per 100 linear feet	6 Large Trees (1 ¾ inches caliper and 10 feet at installation and expected to reach a height of 40 feet)	2 Laurel Oak and 4 Red Maple (2.5 inches caliper and 12-14 feet at installation)
Small trees per 100 linear feet	3 Small Trees 1 ½ inches caliper and 5 feet at installation and expected to reach a height of 20 feet)	1 Kwanzan Cherry and 2 Eastern Redbud (2.5 inches caliper and 8 feet at installation)
Shrubs per 100 linear feet	28 Shrubs (16 inches tall above the highest root at installation)	14 Dwarf Burford Holly and 14 Sandankwa Viburnum (3 gallons at installation)

In addition, the buffer along the western edge will be an average of 34 feet in width, far beyond the ordinance minimum of 20 feet.

Other Project Edges

For the other project edges, the plan outlines alternative options for the location and the type of screening used:

Location of Screening

The location of the screening on the other project edges can be either on-site or off-site with options to include, but not be limited to, one or more of the following:

- A 20 foot off-site buffer,
- A 10 foot on-site buffer combined with a 10 foot off-site buffer for a total width of 20 feet, and
- A 10 foot on-site buffer with the same planting density as the 20 foot buffer.

Type of Screening

The type of screening used on the other project edges may be a fence, wall or berm.

NOTE:

The ordinance outlines the following standards with respect to fences, walls or berms used to satisfy screening requirements:

- *Fence to be opaque, between 6 and 8 feet in height and constructed of weather-resistant wood.*
- *Wall to be between 6 and 8 feet in height with a finish surface of brick, stone or other decorative masonry material.*
- *Berm to be at least three feet in height with at least 30 shrubs per 100 linear feet and slope of the berm not to exceed one foot of rise for every three feet in plane.*

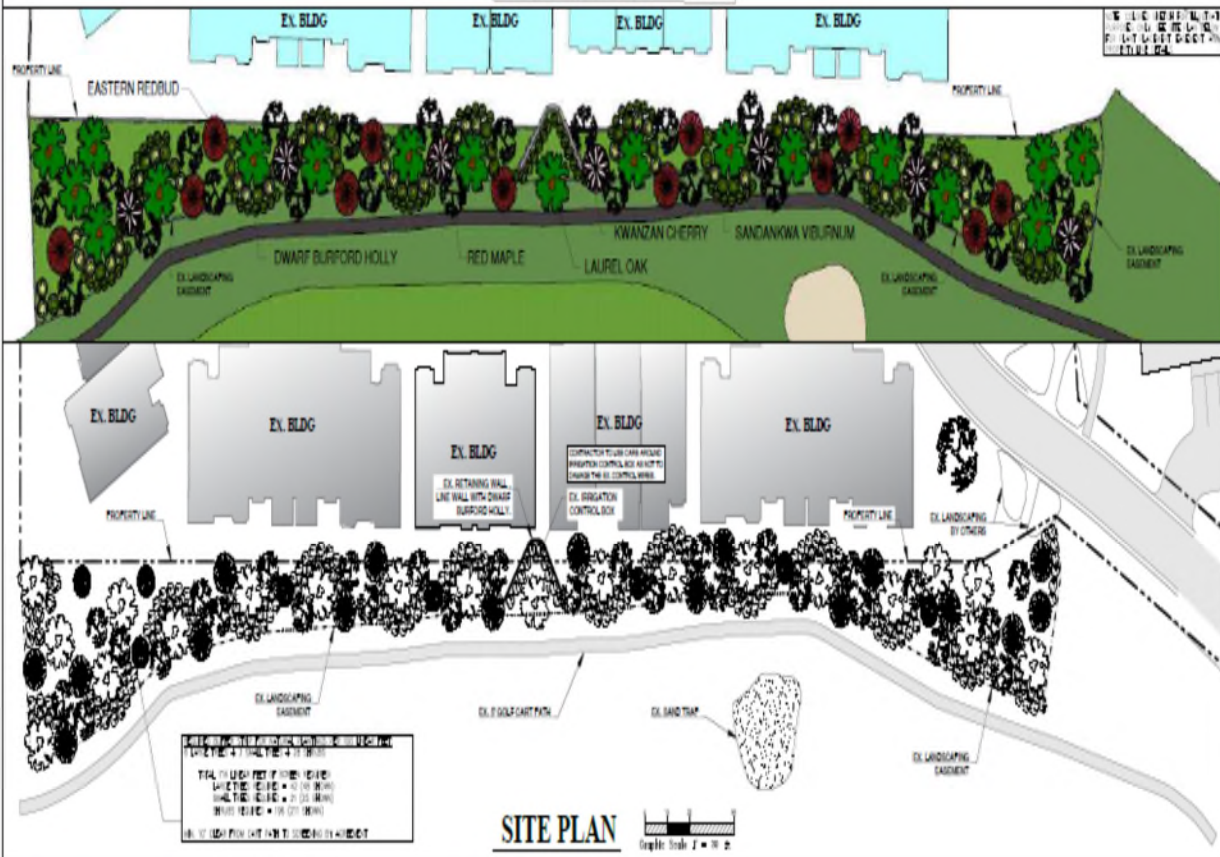
Maintenance

The applicant's plan notes that all buffers will be maintained by the property owner and/or HOA.

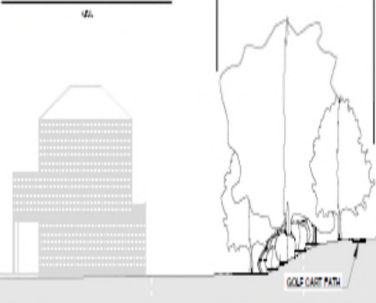
The proposed screening plan is below:



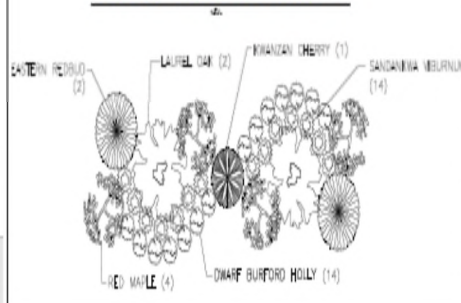
NOTE: RENDERINGS FOR ILLUSTRATIVE PURPOSES ONLY



TYPICAL SECTION



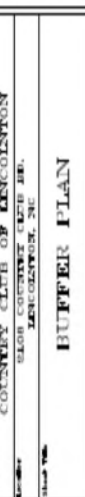
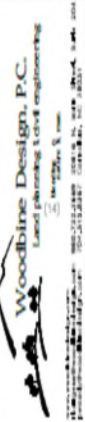
TYPICAL BUFFER PER 100-LF



PLANT SCHEDULE

SYMBOL	COMMON NAME	#	OTHER NAME	SIZE	HEIGHT	SPACING	NOTES
	EASTERN REDBUD	2	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY
	RED MAPLE	4	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY
	LAUREL OAK	2	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY
	KWANZAN CHERRY	1	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY
	DWARF BURFORD HOLLY	14	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY
	SANDANKWA VIBURNUM	14	LAUREL OAK	2 1/2" @ 10'	10'	40' x 40'	REPLANT PERIODICALLY

Digitally signed
by Riley D.
Burgess, Jr, PE
Date: 2020.07.07
11:27:37 -04'00'



Designed by: Woodbine Design
Drawn by: PE
Date: 7/10/20
Revision:

Sheet C2 of 2
Project Number 2004

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee had the following comments:

- An agreement or plan should be submitted addressing responsibility for ongoing maintenance of any plant materials required under the ordinance that are to be located off site.
- All requirements of the Lincolnton UDO must be met.
- All utilities must be coordinated with and are subject to the review and approval of the Public Works Department. Individual water meters required.
- The City will not provide solid waste services or street maintenance.
- Subdivision approval is required.
- Detailed building plans must be submitted to and approved by Lincoln County Building and Inspections.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets the ordinance requirements.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit. 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.

ADDITIONAL REVIEW CRITERIA

Section 153.238 of the Unified Development Ordinance notes the following additional review criteria to be addressed by City Council:

5. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non- collector/non-thoroughfare streets).

COMPLIANCE WITH SECTIONS 153.237 AND 153.238

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use will be in harmony with the area.
5. Compliance is met since access is provided by Country Club Road which is a minor thoroughfare.

PLANNING BOARD AND STAFF RECOMMENDATION

If the applicant satisfactorily proves the findings of fact, Planning Board and Staff recommend approval of the Conditional Use Permit subject to the Staff Review Committee comments.

SUMMARY OF MOTIONS FOR PUBLIC HEARING

1. Motion on Finding 1.

The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

2. Motion on Finding 2.

The use meets all required conditions and specifications.

3. Motion on Finding 3.

The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

4. Motion on Finding 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.

5. Motion on Finding 5.

The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-thoroughfare streets).

6. Motion to approve the conditional use permit subject to the Staff Review Committee conditions **or** motion to deny the request.

ITEM #

4

REGULAR AGENDA

ITEM #

4a

P-05-20

Consideration of New
Proposed Administrative
Policy #15 – Employee
Service Recognition

City of Lincolnton
114 West Sycamore Street
P. O. Box 617
Lincolnton, North Carolina
28093-0617



Human Resources Department
Phone (704) 736-8980
FAX (704) 736-8975
www.lincolntonnc.org

MEMORANDUM

To: Mayor and City Council Members

From: Tanya Osborne, Human Resources Director

Through: Steve Zickefoose, City Manager/Finance Director

Re: Administrative Policies:
Consideration of new policy #15 Employee Service Recognition

Date: August 24, 2020

It has been the desire of the City to recognize and thank employees for their years of service to the citizens of Lincolnton. The City has conducted a service award program since 1997 which recognizes employees for each 5 year increment of service. In addition, procedures were put in place in 2012 to provide a consistent method for recognizing retiring employees.

Due to the ongoing pandemic and restrictions in place, it is evident some changes would have to be made for the presentation of the awards and recognition. In addition, it is an opportunity to review the programs to ensure they are attractive and meaningful to our employees.

The attached new administrative policy #15 Employee Service Recognition would replace two existing policies, #4 Service Awards and #9 Procedures for Recognition of Retiring Employees.

For the active employee service recognition, the program would discontinue utilizing a company which supplies service pins and brochures for gift selections. The replacement program would offer a certificate of appreciation and give employees the opportunity to select from a variety of gift cards to businesses operating in Lincolnton.

The retiree recognition program would be similar to the active employee recognition. Retiring employees would receive a certificate of appreciation and have opportunity to select from an assortment of gift cards. The recognition of the employee would be moved from a council meeting to the employee's home department. In addition, the Police and Fire Departments would still honor their traditions which include presentation of the officer's service weapon or the firefighter's fire ax or fire helmet. Staff in these two departments still have a high regard for these traditional recognitions upon retirement.

At this time, I would ask for City Council's consideration of the following:

1. Approve Administrative Policy #15 Employee Service Recognition Program
2. If Administrative Policy #15 is approved, removing Administrative Policies #4 Service Awards and #9 Procedures for Recognition of Retiring Employees.

attachments

Administrative Policy Addition: #15 Employee Service Recognition

Proposed Effective 09-03-2020

**CITY OF LINCOLNTON
ADMINISTRATIVE POLICY**

Subject: Employee Service Recognition	Manual: Administrative
	Effective Date: September 3, 2020
Policy Number: 15	Revision:
Issued By: Human Resources Department	City Manager Approval: Steven Zickefoose, City Manager

A copy of this policy must be maintained in the City of Lincolnton's Administrative Manual for each City department and division.

Section I. Intent

It is the desire of the City of Lincolnton to recognize and reward employees for their years of service to its citizens. It is through the dedication and hard work of the employees, the City is able to offer the services which make Lincolnton an attractive location to live, work and play. The following gives guidance for the recognition of full time active employees and retiring employees. This administrative policy will replace the following policies: # 4 Service Awards and # 9 Procedures for Recognition of Retiring Employees.

Section II. Recognition of Full Time Active Employees

City of Lincolnton employees will be recognized for each 5-year increment of service with the City. Service time does not have to be consecutive, but must be time earned while in a regular full-time budgeted position.

Recognition of employees will normally be done once a year in the month of December on a date determined by the City Manager. Qualifying employees will be eligible to select a gift card(s) from a list of companies as approved by the City Manager. The gift card(s) amount will start at \$125 for the first five year increment of service and increase by \$125 each successive five years. Following is a chart indicating the amount rewarded for years five thru forty.

Years of City Service	Gift Card Eligibility Amount
Five	\$125
Ten	\$250
Fifteen	\$375
Twenty	\$500
Twenty-five	\$625
Thirty	\$750
Thirty-five	\$875
Forty	\$1000

#15 Employee Service Recognition Program

Page 2

An employee on an authorized leave of absence without pay shall be eligible to participate in the program. Retiring employees may use their accumulated sick hours to meet a 5-year increment of service, so long as the accumulated sick hours convert through the Local Governmental Retirement System into creditable service time. Dependent upon the employee's retirement month, the service award may be presented to the retiring employee in a month other than the traditional recognition month of December.

Section III. Recognition of Retiring Employees

A retiring City of Lincolnton employee will be recognized for their years of service to the City. The employee must have submitted an application to the NC Local Governmental Employees' Retirement System and be eligible to receive a full, reduced, or disability retirement benefit.

Recognition for the retiring employee will be done in the month prior to the retirement date. The department head of the retiring employee, in coordination with the Human Resources Department, will determine an appropriate date for scheduling the recognition. Qualifying employees will receive a certificate of appreciation, and be eligible to select a gift card(s) from a list of companies as approved by the City Manager. The dollar amount of the gift card(s) will be as listed on the chart below.

Years of City Service	Gift Card Eligibility Amount
5 thru 14	\$300
15 thru 19	\$450
20 thru 24	\$600
25 thru 29	\$800
30+	\$1000

As is tradition, a retiring employee with the Fire Department may elect to receive a fireman's bronze helmet or ax, and a retiring employee with the Police Department may elect to receive the service weapon. The gift card(s) eligibility amount will be reduced by the value of the item received, and the value of both may not exceed the dollar amount listed above. If the value of the item exceeds the allowable dollar amount, the employee will be responsible for paying the difference to the City thru payroll deduction on the final paycheck.

Section IV. Additional Guidelines

Full-time employees who terminate employment with the City voluntarily or by administrative dismissal prior to the date of the recognition, temporary, and part-time employees are not eligible to participate in the programs.

The dollar amounts on the schedules may be adjusted for inflation by the City Manager.

This administrative policy is merely a set of guidelines for implementation of a recognition program. The City reserves the right to modify any of the provisions as needed.

ITEM #

4b

APPT-03-20

Consideration of
Appointment to fill an
un-expired term on the
Lincolnton Planning
Board

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
d Ingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mayor and City Council Members

FROM: Daphne Ingram, City Clerk

SUBJECT: Applications for Planning Board Vacancy

DATE: August 28, 2020

As you know, the city currently has a vacancy on the Lincolnton Planning Board due to the resignation of Mr. Worth Roberts. A Notice regarding the vacancy was posted and advertised inviting interested city residents to apply. We have received nine applications, three of which do not meet the qualifications as the applicant resides outside city limits.

I have attached a copy of each eligible application for your consideration. I have also confirmed, per the City's ward boundary map, the residence listed is inside Lincolnton city limits. You will be notified and provided copies of any additional applications received prior to the August 31st deadline for your consideration.

Should you have any questions please contact me.

Daphne Ingram

From: noreply@civicplus.com
Sent: Wednesday, August 19, 2020 11:57 AM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 19 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Michael
Last Name	McRae
Date of Birth	01/12/1955
Home Street Address	2160 , Heavner Rd
Home City	Lincolnton
Home Zip Code	28092
Home Phone	850 232 5427
Cell Phone	8502325427
Email Address	Michaeljmcrac@gmail.com
Board/Commission/Committee Applying For (list only one per form)	Planning board
Why are you interested in serving on this Board/Commission/Committee?	We retired here 4 years ago. Lincolnton has much untapped potential! The more we explore the more we enjoy the area however see a great need for attention to planning and development of the city. A vision for the future of Main Street is a priority for Lincolnton to see growth and success of small business. Lincolnton has come a long way in 4 years and has a bright future with the right planning and leadership.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Experienced in small business ownership. My wife and I have owned and operated several successful small businesses. Having an entrepreneurial background and

being retired allows me to focus on the potential of Lincoln's future economic growth and vitality. I am a master gardener as well. We bought in the city limits in Leewood Acres on Heavner rd . Studied business/ marketing Columbus University in Georgia. Coached baseball and soccer for many years with both my sons.

Current Employer	Retired
Years in current position	<i>Field not completed.</i>
Job Title	<i>Field not completed.</i>
Employer Phone Number	<i>Field not completed.</i>
Duties	<i>Field not completed.</i>
Other employment history	Sales, marketing with large corporate companies. Several years small business owner.

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.	Ward 2
Gender	Male
Ethnic Origin	White

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 in the box below:

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

Yes or No	No
-----------	----

If yes, please explain
disposition

Field not completed.

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 or No

No

If yes, please explain

Field not completed.

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

Michael J McRae

Date

08/20/2020

Email not displaying correctly? [View it in your browser.](#)

Daphne Ingram

From: noreply@civicplus.com
Sent: Thursday, August 13, 2020 1:48 PM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 13 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Trent
Last Name	Mason
Date of Birth	02/13/1983
Home Street Address	207 Mockingbird Lane
Home City	Lincolnton
Home Zip Code	28092
Home Phone	7046045647
Cell Phone	7046045647
Email Address	trentonbmason@gmail.com
Board/Commission/Committee Applying For (list only one per form)	Planning board
Why are you interested in serving on this Board/Commission/Committee?	I'm looking to become more involved in the community. After speaking to a current board member and others, I feel as if this would give me that opportunity.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Field not completed.
Current Employer	Henkel
Years in current position	8
Job Title	Plant manager

Employer Phone Number	8289706003
Duties	In charge of all day to day operations
Other employment history	<i>Field not completed.</i>

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.	Ward 3
Gender	Male
Ethnic Origin	White

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 in the box below:	<i>Field not completed.</i>
---	-----------------------------

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

Yes or No	No
If yes, please explain disposition	<i>Field not completed.</i>

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 or No	No
If yes, please explain	<i>Field not completed.</i>

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

Trent Mason

Date

08/13/2020

Email not displaying correctly? [View it in your browser.](#)

Daphne Ingram

From: noreply@civicplus.com
Sent: Monday, August 10, 2020 9:35 PM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 11 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Mark
Last Name	Smith
Date of Birth	12/31/1968
Home Street Address	207 McGinnis Ave
Home City	Lincolnton
Home Zip Code	28092
Home Phone	828-455-6603
Cell Phone	828-455-6603
Email Address	55marksmith55@gmail.com
Board/Commission/Committee Applying For (list only one per form)	Planning Board
Why are you interested in serving on this Board/Commission/Committee?	I moved to downtown Lincolnton almost 3 years ago. I like the direction the city is going and would like to be a part of this continued growth.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Customer service, previously the President of the North Lincoln Band Boosters, previously council member of Holy Cross Lutheran Church.
Current Employer	Prysmian Group
Years in current position	13
Job Title	Customer Service

Employer Phone Number	828-459-9787
Duties	Process order and provide information to customers throughout the world. Work to resolve customer issues and assist when possible
Other employment history	Implementation Coordinator at Kuehne-Nagel US. Navy

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.	Ward 1 ^{#3}
Gender	Male
Ethnic Origin	White
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 in the box below:	None

Affirmation of Eligibility:

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

Yes or No	No
If yes, please explain disposition	Field not completed.

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 or No	No
If yes, please explain	Field not completed.

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

Mark R. Smith

Date

08/10/2020

Email not displaying correctly? [View it in your browser.](#)

Daphne Ingram

From: noreply@civicplus.com
Sent: Monday, August 10, 2020 1:12 PM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 10 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Jane
Last Name	hester
Date of Birth	10/11/1935
Home Street Address	115 Commonwealth Drive
Home City	Lincolnton
Home Zip Code	28092
Home Phone	704-576-2769
Cell Phone	704-576-2769
Email Address	jhhester@bellsouth.net
Board/Commission/Committee Applying For (list only one per form)	Lincolnton Planning Board
Why are you interested in serving on this Board/Commission/Committee?	want to be involved in our community
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Art, finance, involved with neighbors and family. Former Registered stock broker with Merrill Lynch(Bank of America) retired after 25 + years. Currently Treasurer on Board of Directors The Greens Townhouse, Inc and involved in other local non business organizations.. formerly on Board of Lincoln Country Club.
Current Employer	Retired From Bank of America

Years in current position	<i>Field not completed.</i>
Job Title	retired
Employer Phone Number	704-339-2050
Duties	working with clients and management to achieve financial goals / registered on NYSE
Other employment history	prior to Merrill Lynch I was employed by local Brokerage firms in Charlotte beginning in early 1960. My career was almost entirely in finance.

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.	Ward 2
Gender	Male
Ethnic Origin	White
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 in the box below:	none

Affirmation of Eligibility:

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

Yes or No	No
If yes, please explain disposition	<i>Field not completed.</i>

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 or No

No

If yes, please explain

Field not completed.

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

Jane C. Hester

Date

August 10, 2020

Email not displaying correctly? [View it in your browser.](#)

Daphne Ingram

From: noreply@civicplus.com
Sent: Saturday, August 8, 2020 4:43 PM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 10 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Elizabeth
Last Name	Smith
Date of Birth	08/15/1981
Home Street Address	704 South Cedar Street
Home City	Lincolnton
Home Zip Code	28092
Home Phone	<i>Field not completed.</i>
Cell Phone	336-447-0022
Email Address	msjsmith15@yahoo.com
Board/Commission/Committee Applying For (list only one per form)	Planning Board
Why are you interested in serving on this Board/Commission/Committee?	I believe it's imperative to serve your community and also always good to have a nurse member of Boards.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Registered Nurse for 17 years
Current Employer	Gaston County DHHS
Years in current position	5
Job Title	Nursing Supervisor

Employer Phone Number	704-853-5000
Duties	Manage 6-8 subordinate personnel Staff development and education Monitor agreements and budgetary spending
Other employment history	I've been a RN for Lincoln County Health Department and also CMC Lincoln.

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.	Ward 3
Gender	Female
Ethnic Origin	Black

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 in the box below:

Field not completed.

Affirmation of Eligibility:

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

Yes or No	No
If yes, please explain disposition	<i>Field not completed.</i>

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 or No	No
If yes, please explain	<i>Field not completed.</i>

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	Elizabeth Smith
-----------	-----------------

Date	08/08/2020
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Email not displaying correctly? [View it in your browser.](#)

Daphne Ingram

From: noreply@civicplus.com
Sent: Saturday, August 8, 2020 10:36 AM
To: Daphne Ingram; Steven Zickefoose
Subject: Online Form Submittal: Boards and Commissions Application

RECEIVED
AUG 10 2020
CITY OF LINCOLNTON, NC

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Crystal
Last Name	Womble
Date of Birth	11/10/1982
Home Street Address	419 E Pine Street
Home City	Lincolnton
Home Zip Code	28092
Home Phone	(704)819-0585
Cell Phone	Field not completed.
Email Address	nikkiboheler@gmail.com
Board/Commission/Committee Applying For (list only one per form)	Planning Board
Why are you interested in serving on this Board/Commission/Committee?	As a resident of Lincolnton I have a vested interest in its continued growth and development. I want to help insure that Lincolnton takes the proper steps to be as prosperous as possible. I want to insure our town continues to be hospitable to a diverse and active community.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	My interests include the outdoors, animals, environmental sustainability. I am self motivated and extremely structured and organized. I am very hands on.
Current Employer	Daimler

Years in current position	16
Job Title	Assembler
Employer Phone Number	704-868-5700
Duties	<i>Field not completed.</i>
Other employment history	<i>Field not completed.</i>

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.	Ward 1 ^{#3}
Gender	Female
Ethnic Origin	Other

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 in the box below:	<i>Field not completed.</i>
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Affirmation of Eligibility:
Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes or No	No
If yes, please explain disposition	<i>Field not completed.</i>

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 or No	No
If yes, please explain	<i>Field not completed.</i>

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

Crystal N. Womble

Date

08/09/2020

Email not displaying correctly? [View it in your browser.](#)

ITEM #

4c

Monthly
Financial/Overtime
Report

Executive Summary

July 2020 Year-To-Date

General Fund	% of					Difference
	Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	
Fund 10 Revenues	10,911,910	41,039	0%	11,543,700	84,970	(43,931)
Fund Balance	-	-	-	825,000	-	-
	10,911,910	41,039		12,368,700	84,970	(43,931)
City Manager/Clerk	248,220	24,644		222,495	28,760	(4,116)
Human Resources	317,020	30,454		262,720	26,896	3,558
Finance	158,230	38,328		129,630	47,130	(8,802)
General Expense	1,280,731	214,895		1,103,160	220,206	(5,311)
General Debt Service	334,757	2,487		430,632	21,692	(19,204)
Police	3,400,120	336,515		3,223,020	288,169	48,347
Fire	2,234,100	186,471		2,364,700	185,823	648
Public Works	45,660	15,312		43,010	15,568	(256)
Street	829,825	79,777		1,329,225	66,108	13,669
Equipment Services	211,770	20,604		122,970	13,858	6,746
Solid Waste	692,375	47,458		908,855	52,692	(5,234)
General Services	-	-		-	-	-
Plannin/Zoning	497,239	19,584		557,420	22,507	(2,922)
Bus & Comm. Dev	123,200	16,577		423,200	1,718	14,859
Recreation	1,038,663	99,709		1,247,663	93,812	5,897
Expenses	11,411,910	1,132,817	10%	12,368,700	1,084,936	47,881
Difference		(1,091,778)			(999,966)	(91,812)

Water & Sewer Fund		% of			
Fund 61	Revenues	Budget 20-21	Actual 20-21	Budget	Difference
	Fund Balance	-	-	9%	(3,874)
		8,146,950	711,724		
		8,146,950	711,724		(3,874)
	Water Treatment	1,972,500	233,398		51,039
	Dist & Collection	2,032,900	110,007		(38,518)
	Wastewater	1,625,000	96,509		21,810
	W & S Intangibles	4,247,050	93,927		(16,249)
	Expenses	9,877,450	533,842	5%	18,083
	Difference		177,882		(21,957)

Electric Fund		% of			
Fund 63	Revenues	Budget 20-21	Actual 20-21	Budget	Difference
	Fund Balance	-	-	10%	177,442
		7,788,350	817,478		
		7,788,350	817,478		177,442
	Electric Dept.	8,696,830	741,902		642,620
	Expenses	8,696,830	741,902	9%	642,620
	Difference		75,576		(465,178)

Overtime 80+ hours	40,303	49,847	(9,544)
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ITEM #

5

OTHER BUSINESS

ITEM #

5a

Request for Road
Name Change

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne Ingram
d Ingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr...

MEMORANDUM

TO: Mayor and City Council

FROM: Daphne Ingram, City Clerk

SUBJECT: Road Name Change Request

DATE: August 28, 2020

Included with this memo is a copy of the agenda request form completed by Ms. Shannon Posey. Ms. Posey, who resides at 101 Idlewood Drive, Lincolnton, is requesting consideration regarding changing the current street name from "Idlewood Drive" to Posey Drive".

The last city street name change occurred in 2017, when Council approved the renaming of Abernathy Street to Dr. Martin Luther King, Jr. Drive. The agenda request form submitted listed the request as coming from Coalition of Churches. The purpose for requesting the change was to honor Dr. King.



City of Lincoln

AGENDA REQUEST FORM

Please Print

Name Shannon Posey

Address 101 Idlewood Drive
Lincolnton NC 28092

Phone (704) 506-0366

Name of Firm or Corporation (if applicable) _____

Other Persons Accompanying Speaker _____

Purpose of Request to Appear Road name change to
"Posey Drive"

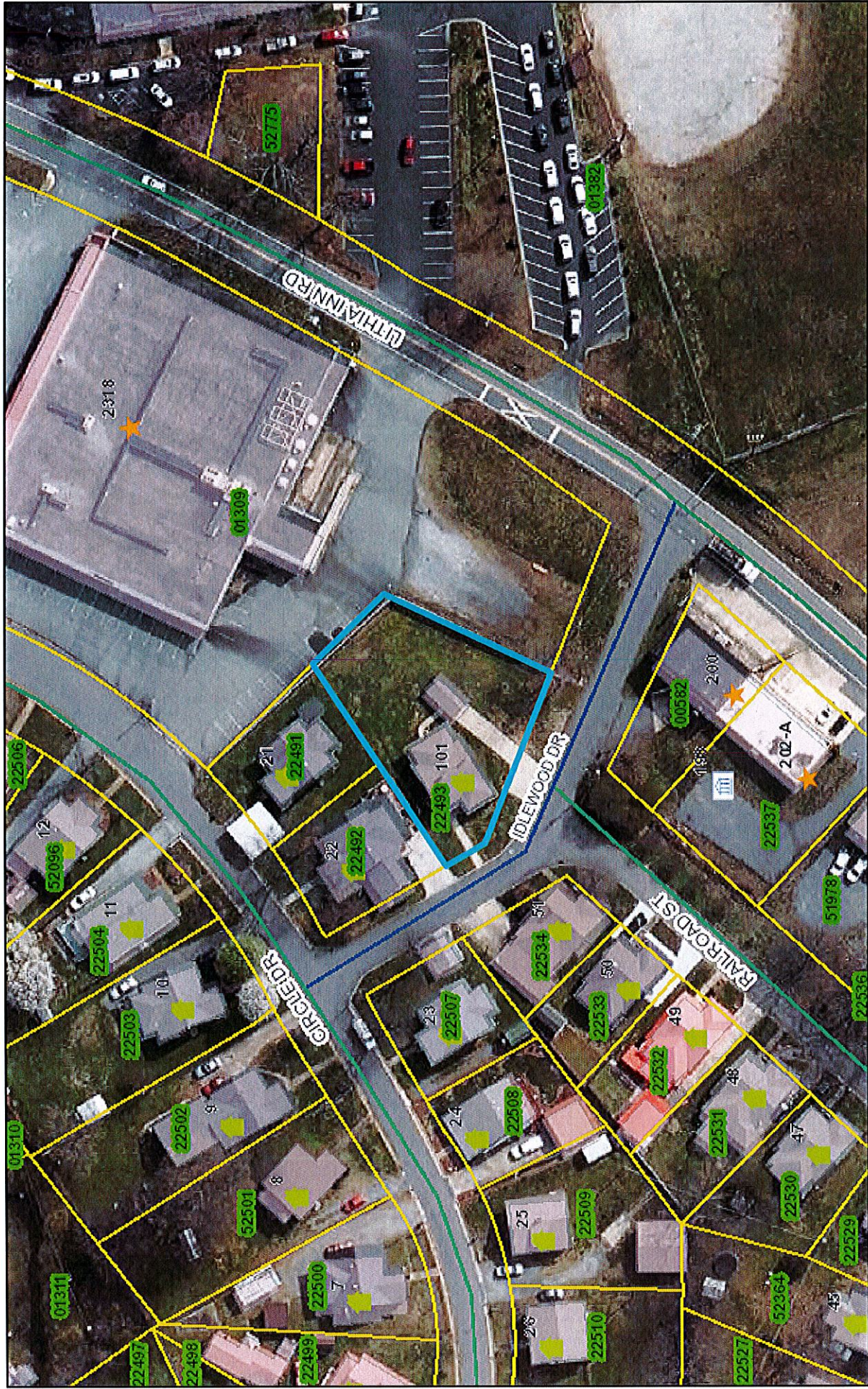
Council Meeting date you wish to appear 9-3-20

Amount of time required for Presentation _____

Date form submitted to the City Clerk _____

Shannon Posey
Signature of Requesting Party

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



August 27, 2020

ITEM #

5b

Update/Discussion
Regarding Enforcement
of COVID-19 Mask
Wearing

ITEM #

5c

Student Advisory Council
Update/Process

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Roby D. Jetton
Jim Watson



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Daphne A. Ingram
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mr. Preston Clarke, Lincolnton High School
Ms. Marybeth Avery, East Lincoln High School
Mr. Chip Cathey, North Lincoln High School
Dr. Nathan McLean, West Lincoln High School
Mr. Jonathan Bryant, Lincoln Charter School

FROM: Jill S. Eaddy, Advisor

SUBJECT: 2020-2021 Student Advisory Council Representatives

DATE:

It is once again time to nominate members for the Lincolnton Student Advisory Council. A list of the students eligible for re-appointment is attached for your review and consideration. Also attached is a copy of the Student Advisory Council by-laws for informational purposes.

Each year the four high schools are asked to nominate five students for membership to the Council. The Charter School may nominate two. The Lincolnton City Council strongly encourages you to:

- Implement a process whereby the students must apply and go through some type of formal selection procedure;
- Give students who were previously on the council special consideration for selection this year only if they participated fully last year;
- Select students who are interested in addressing local issues, learning about and participating in local government and/or considering local government as a career;
- Talk with students who are interested to ensure they will be fully committed to participating for the entire year. Students who are heavily involved in other areas often find it difficult to serve due to scheduling conflicts.

When submitting your list of names, please include the following information:

STUDENTS NAME

ADDRESS

CELL PHONE NUMBER AND HOME PHONE NUMBER

EMAIL ADDRESS (most communication/notifications are sent by text)

INDICATE WHETHER STUDENT IS A JUNIOR OR SENIOR

Your recommendations will be forwarded to the Lincolnton City Council for final selection. Each student will be notified by mail of their appointment.

Thank you for your cooperation in this process. We look forward to another progressive year with the Student Advisory Council.

STUDENT ADVISORY COUNCILMEMBERS
Eligible to Return

EAST LINCOLN

1. Bailee Harding
2. Joseph Dos Santos
3. Trey Ross
4. Allie Middleswarth

WEST LINCOLN

1. Gwyneth Reep
2. Samuel Duncan
3. Luke Stewart
4. Ashlynn Eurey

LINCOLN CHARTER SCHOOL

1. Darrian Bonilla

LINCOLNTON HIGH SCHOOL

1. Cordin Schrum
2. Leah Tweed

NORTH LINCOLN

1. Xander Popko
2. Aubrey Spicola

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