A G E N D A

LINCOLNTON CITY COUNCIL

February 4, 2021

7:00 p.m.

Hybrid

(Virtual and In-person)

Council Chambers

LINCOLNTON CITY COUNCIL
AGENDA
FEBRUARY 4, 2021
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 January 7, 2021 meeting

2b – Retirements Effective March 1st:

Debra Tunstall – Waste Water Treatment Pretreatment Coordinator
Julie Holbrooks – Sr. Administrative Support Assistant

(R-02-21)

2c – Request from Airport Manager to Declare two 12,000 Gallon Single Wall Steel Fuel Tanks surplus

3. PUBLIC HEARINGS

3a – CUP-1-2021 – Application from Shawna Moore requesting a conditional use permit to Operate a Tattoo Studio in the PB district. The subject property is located at 1414 East Main Street (parcel ID 15674)

Laura Elam, Planning Director

4. REGULAR AGENDA

4a – 2019-2020 Audit Presentation

Phil Church and Carol Avery, Lowdermilk, Church and Co.

(P-01-21)

4b – Consideration/Approval of proposed policies and procedures for the new dog park

Nathan Eurey, Public Services Director

(Appt-02-21)

4c – Consideration of applications to fill vacancy on the Lincolnton Tourism Development Authority and nominations/approval of a new board chair.

Daphne Ingram, City Clerk

5. OTHER BUSINESS

5a. – Request for City Councils consideration/approval to initiate steps to acquire a new ABC Store on the West end of town.

Tommy Huskey, ABC Board Chairman

5b – Manager's Report/Activity Update

Ritchie Haynes, City Manger

PUBLIC COMMENT

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

NEWS MEDIA

ADJOURNMENT

ITEM

1

APPROVAL

OF

REGULAR AGENDA

ITEM

2

APPROVAL

OF

CONSENT AGENDA

ITEM
2a

Approval of Minutes for the January 7th, 2021 Regular City Council Meeting

REGULAR MEETING - January 7, 2021

The Mayor and City Council met in regular session on Thursday, January 7, 2021 at 7:00 p.m. virtually via Zoom.

The following were in attendance:

WHITE POINSETTE EADDY JETTON

Mayor Ed Hatley called the virtual meeting to order, asking all in attendance to join in reciting the pledge of allegiance.

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

Due to the hybrid (virtual and in-person)platform being used, voting was conducted via roll call

Councilwoman Poinsette made the motion to approve the ***CONSENT AGENDA*** as follows:

- Minutes of the December 3, 2020 Organizational & Regular Meeting

- R-01-21 – 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 609 Louise Avenue. *(Resolution is attached to and made a part of these minutes)*

Members voted 4-0 in favor of the motion.

PUBLIC HEARINGS

O-01-21
APPLICATION FROM LINCOLNTON PLANNING DEPARTMENT REQUESTING AMENDMENT OF THE CITY OF LINCOLNTON ABANDONED STRUCTURES ORDINANCE, SECTION 150.050 THROUGH 150.058 OF THE CITY CODE, TO COMPLY WITH RECENTLY ADOPTED STATE ENABLING LEGISLATION (CHAPTER 160D) AND TO OUTLINE THE APPEAL PROCESS

Mayor Ed Hatley recognized Laura Elam, Planning Director, to review the request (a copy of which *is attached to and made a part of these minutes*). Mrs. Elam informed Council of staff recommendation to approve the amendment in order to comply with recently adopted state legislation, to outline an appeals process and to clarify the process for the serving of complaints. Proposed changes as follows:

Chapter 160D Changes:

The City's Abandoned Structures Ordinance requires only updating of the references to state enabling legislation in order to comply with Chapter 160D

Other changes:

1. Section 150.054 is amended to outline an appeal process to be consistent with state legislation and the City's Minimum Housing Standards Ordinance.
2. Section 150.055 is revised to clarify the process for serving of complaints and orders and for consistency with state legislation.

Mrs. Elam stated that the proposed changes will make the Abandoned Structures Ordinance consistent with state enabling legislation and will not result in any substantive changes to the ordinance.

Councilwoman White made the motion to close the public hearing. Members voted 4-0 in favor of the motion

Councilman Eaddy made a motion to approve the request. Members voted 4-0 in favor of the motion

O-02-21

APPLICATION FROM LINCOLNTON PLANNING DEPARTMENT REQUESTING AMENDMENT OF THE CITY OF LINCOLNTON NON-RESIDENTIAL BUILDING STANDARDS ORDINANCE, SECTION 150.100 THROUGH 150.118 OF THE CITY CODE, TO COMPLY WITH RECENTLY ADOPTED STATE ENABLING LEGISLATION (CHAPTER 160D)

Mayor Ed Hatley opened the public hearing, after which he recognized Laura Elam, Planning Director, to speak to the item (a copy of which *is attached to and made a part of these minutes)*. Mrs. Elam briefly explained the request as being similar to the previous amendment request, reporting that the City's Minimum Nonresidential Building Standards Ordinance requires only updating of the reference to state enabling legislation in order to be consistent with Chapter

160D. She informed that staff recommends approval of the amendment in order to comply with recently adopted state legislation.

Councilman Jetton made the motion to close the public hearing. Members voted 4-0 in favor of the motion and to approve the request.

O-03-21
APPLICATION FROM LINCOLNTON PLANNING DEPARTMENT REQUESTING AMENDMENT OF THE CITY OF LINCOLNTON MINIMUM HOUSING STANDARDS ORDINANCE, SECTION 150.070 THROUGH 150.090 OF THE CITY CODE, TO COMPLY WITH RECENTLY ADOPTED STATE ENABLING LEGISLATION (CHAPTER 160D) AND TO CLARIFY THE APPEAL PROCESS

Planning Director Laura Elam presented this request, (a copy of which *is attached to and made a part of these minutes),* to Council as follows:

Proposed Text Amendment – Chapter 160D Changes

1. References to state enabling legislation are updated to the appropriate Chapter 160D provisions.
2. The definitions of the terms "owner" and "unfit for human habitation" are revised to conform to state statute.
3. A definition of the term "parties in interest" is added since it is used throughout the ordinance and for consistency with state statute.
4. Section 150.084(A) contains two minor updates for consistency with state statute.

Other changes

1. Section 150.085 is revised to clarify the process for serving of complaints and orders and for consistency with state statute.
2. Section 150.089 conflicts with Section 150.084(D). The proposed revision eliminates Section 150.089 in order to provide internal consistency and conformity with state statute.

She informed of staffs recommendation to approve the amendment as outlined in order to conform to recently adopted state legislation, to clarify the process for the serving of complaints and to clarify the appeal process.
Councilwoman White made the motion to close the public hearing. Members voted 4-0 in favor of the motion

Councilwoman White made a motion to approve the change in the ordinance. Members voted 4-0 in favor of the motion.

O-04-21
APPLICATION FROM LINCOLNTON PLANNING DEPARTMENT REQUESTING AMENDMENT OF THE CITY OF LINCOLNTON SUBDIVISION REGULATIONS SECTION OF THE UNIFIED DEVELOPMENT ORDINANCE, SECTION 153.370 THROUGN 153.999 OF THE CITY CODE, TO COMPLY WITH RECENTLY ADOPTED STATE ENABLING LEGISLATION (CHAPTER 160D) AND TO AMEND A PROVISION RELATED TO SUBDIVISION IN THE R-25 ZONING DISTRICT

Laura Elam, Planning Director, spoke to the item (a copy of which *is attached to and made a part of these minutes),* explaining that the City's Subdivision regulations require only updating of the references to state enabling legislation in order to conform with Chapter 160D. She also informed the requested change related to Subdivisions in R-25, stating that the proposed amendment includes a request to eliminate the current requirement for approval of a conditional use permit in order to approve subdivisions that include over 35 lots in the R-25 district. Mrs. Elam reported that from staff's perspective, requirement of a conditional use permit for approval of a subdivision that otherwise meets all of the standards of the zoning district within which it is located is unnecessary and unadvisable.

Councilman Jetton made the motion to close the public hearing. Members voted 4-0 in favor of the motion

Councilwoman Poinsette made a motion to approve both parts of the request. Members voted 4-0 in favor of the motion

REGULAR AGENDA

(APPT-01-21)
CONSIDERATION TO FILL VACANCY OF AN UN-EXPIRED TERM ON THE LINCOLNTON ABC BOARD

Mayor Ed Hatley opened the floor for nominations to fill a vacancy for an un-expired term on the Lincolnton ABC Board. Councilman Eaddy nominated Mr. Leon Harmon due to his background with the County and his background in finance. Councilman Jetton nominated Mr. Don Mauldin noting his experience with the ABC board and his experience in law enforcement. **Councilwoman White made a motion to close the nominations. Members voted 4-0 in favor of the motion.** Councilman Jetton and Councilwoman Poinsette voted in favor of appointing Don Mauldin. Councilman Eaddy and Councilwoman White voted in favor of appointing Leon Harmon. **Motion to appoint Leon Harmon passed 3-2. Mayor Hatley broke the tie.**

P-02-20 (amended)

CONSIDERATION OF AMENDMENT TO THE ARTICLE VI-SECTION 15. FAMILIES FIRST CORONAVIRUS REPSONSE ACT (FFCRA) EXTENDING AVAILABILITY OF THE EMERGENCY PAID LEAVE PORTION OF THE POLICY UNTIL JUNE 30, 2021

Tanya Osborne, Human Resources Director, addressed council regarding approval of extending Emergency Paid Sick Leave specifically from the City of Lincolnton. She explained that the request, which is for Employer paid sick leave for employees, is due to the federal mandated paid sick leave ending on December 31st, 2020. Mrs. Osborne suggested that this Emergency Paid Sick Leave be retroactive back to January 1st and continue to June 30, 2021. In response to a question from Councilman Eaddy, Mrs. Osborne clarified that guidelines being used are the same as those used in the federal mandate. **Councilwoman Poinsette made the motion to approve the request to amend Article VI-Section 15, extending availability of the Emergency Paid Leave portion of the policy until June 30, 2021. Members voted 4-0 in favor of the motion.**

C-01-21

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LOWERMILK, CHURCH & COMPANY FOR THE 2021 AUDIT

Ritchie Haynes, City Manager, directed Councils attention to a letter and a copy of the proposed contract for fiscal year 2021 from Mr. Phil Church of Lowdermilk Church and Company which was included in their agenda packet. (a copy of which *is attached to and made a part of these minutes).* Mr. Haynes stressed the City's satisfaction with the firm, which has served the City for many years. He stated that the City has been pleased and enjoy a great working relationship. **Councilman Eaddy made the motion to approve the contract between the City and Lowermilk, Church & Company for continued auditing services. Members voted 4-0 in favor of the motion.**

MONTHLY FINANCIAL/OVERTIME REPORT

City Manager Ritchie Haynes presented the following financial/overtime report:

January 2021 Council Meeting

Executive Summary

November 2020 Year-To-Date

General Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 10	Revenues	10,911,910	5,708,768	52%	11,543,700	5,714,597	(5,829)
	Fund Balance	-	-	-	825,000	-	-
		10,911,910	5,708,768		12,368,700	5,714,597	(5,829)
	City Manager/Clerk	248,220	130,255		222,495	128,984	1,271
	Human Resources	317,020	150,748		262,720	117,269	33,479
	Finance	158,230	219,763		129,630	224,408	(4,645)
	General Expense	1,280,731	626,271		1,103,160	712,810	(86,539)
	General Debt Service	334,757	7,462		430,632	11,666	(4,204)
	Police	3,400,120	1,426,182		3,223,020	1,331,343	94,839
	Fire	2,234,100	916,659		2,364,700	951,102	(34,443)
	Public Works	45,660	84,285		43,010	73,568	10,718
	Street	829,825	347,633		1,329,225	545,764	(198,131)
	Equipment Services	211,770	112,066		122,970	70,248	41,818
	Solid Waste	692,375	193,107		908,855	557,310	(364,202)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	163,979		557,420	140,018	23,961
	Bus & Comm. Dev	123,200	87,449		423,200	22,225	65,224
	Recreation	1,038,663	391,064		1,247,663	638,998	(247,934)
	Expenses	11,411,910	4,856,924	43%	12,368,700	5,525,713	(668,789)
	Difference		851,844			188,884	662,960

Water & Sewer Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 61	Revenues	8,146,950	3,616,678	44%	7,146,949	3,383,915	232,763
	Fund Balance	-	-		3,725,010		
		8,146,950	3,616,678		10,871,959	3,383,915	232,763
	Water Treatment	1,972,500	565,784		1,496,850	544,586	21,198
	Dist & Collection	2,032,900	640,654		3,652,160	1,866,576	(1,225,922)
	Wastewater	1,625,000	534,382		1,547,000	500,168	34,214
	W & S Intangibles	4,247,050	272,412		4,175,949	338,058	(65,646)
	Expenses	9,877,450	2,013,232	20%	10,871,959	3,249,388	(1,236,156)
	Difference		1,603,446			134,527	1,468,919

Electric Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 63	Revenues	7,788,350	4,555,055	58%	7,937,102	3,981,918	573,136
	Fund Balance	-	-		2,330,000	-	-
		7,788,350	4,555,055		10,267,102	3,981,918	573,136
	Electric Dept.	8,696,830	2,929,815		10,267,102	2,884,254	45,562
	Expenses	8,696,830	2,929,815	34%	10,267,102	2,884,254	45,562
	Difference		1,625,239			1,097,665	527,575
Overtime	80+ hours		192,532			205,984	(13,452)

Mr. Haynes gave a brief overview of the report, emphasizing the City's strong financial standing.

CONSIDERATION OF DATES FOR CITY'S ANNUAL PLANNING RETREAT– FRIDAY, MARCH 12TH OR FRIDAY, MARCH 19TH:

City Manager Ritchie Haynes proposed two dates for the upcoming planning/budget retreat; March 12th or March 19th. Mayor Hatley informed that due to social distancing requirements, a location has not yet been decided. After taking a poll of the Council, Friday, March 12th was selected as the date for the 2021 Budget Planning Retreat.

PUBLIC COMMENT:
No one spoke during the Public Comment portion of this meeting.

NEWS MEDIA:
There were no questions from the News Media.

ADJOURNMENT:
Councilman Jetton made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion

Note: City Manager Ritchie Haynes briefly commented on how much he is looking forward to working with Council, the management staff and the city employees. He expressed what a privilege and honor it is to serve Council and the citizens of Lincolnton.

______________________________ ______________________________

DAPHNE INGRAM **ED HATLEY**
CITY CLERK **MAYOR**

RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY TO PETITION SUPERIOR COURT FOR AN ORDER REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT 609 LOUISE AVENUE 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 ORDAINED 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 owner, Kathy Elaine Hovis, of the structure located at 609 Louise Avenue 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

O-01-21

An Ordinance to Amend the City of Lincolnton Abandoned Structures Ordinance In Compliance with Chapter 160D of the North Carolina General Statutes

Section 1. Amend Section 150.050 through 150.058, Abandoned Structures, as follows. Newly adopted language is underlined and highlighted in yellow. Language to be deleted is ~~struck through~~ and ~~red.~~

§ 150.050 FINDINGS; INTENT.

It is hereby found that there exists within the city abandoned structures which the City Council finds to be hazardous to the health, safety and welfare of the residents of the city due to the attraction of insects or rodents, conditions creating a fire hazard; dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. § ~~160A-441,~~ 160D-1201, it is the intent of this subchapter to provide for the repair, closing or demolition of any abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

Statutory reference:

Minimum housing standards; authority, see G.S. § ~~160A-441~~ 160D-1201.

§ 150.054 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice hearing.* Whenever a petition is filed with the City Manager or designee by at least five residents of the city charging that any structure exists in violation of this subchapter or whenever it appears to the City Manager or designee, upon inspection, that any structure exists in violation hereof, the officer shall, if the officer's preliminary investigation discloses a basis for the charges, issue a cause to be served upon the owner of and parties in interest in the structure a complaint stating the charges and containing a notice that a hearing will be held before the City Manager or designee at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the structure. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law shall not be controlling in hearings before the City Manager or designee.

(B) *Procedure after hearing.*

(1) After the notice and hearing, the City Manager or designee shall state in writing the officer's determination whether the structure violates this subchapter.

(2) If the City Manager or designee determines that the ~~dwelling~~ structure is in violation the officer shall state in writing the officer's findings of fact to support the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve the structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any structure shall fail to comply with an order of the City Manager or designee within the time specified therein, the City Manager or designee may submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the City Manager or designee, as authorized by G.S. § ~~160A-446(g).~~ 160D-1208(e).

(2) *In rem remedy.* After failure of an owner of a structure to comply with an order of the City Manager or designee within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1) above, the City Manager or designee shall submit to the City Council an ordinance ordering the City Manager or designee to cause the structure to be removed or demolished, as provided in the original order of the City Manager or designee, and pending the removal or demolition, to placard the dwelling as provided by G.S. § ~~160A-443.~~ 160D-1203.

(3) *Enforcement and penalties.* See § 150.999.

(D) Appeals from orders of City Manager or designee. An appeal from any decision or order of the City Manager or designee may be taken by any person aggrieved thereby. Any appeal from the action of the City Manager or designee shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the City Manager or designee and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the City Manager or designee shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the City Manager or designee refusing to allow the person aggrieved thereby to do any act, the City Manager's or designee's decision shall remain in force until modified or reversed. When any appeal is from a decision of the City Manager or designee requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the City Manager or designee certifies to the Board, after the notice of appeal is filed with the City Manager or designee, that by reason of the facts stated in the certificate a copy of which shall be furnished the appellant, a suspension of the City Manager's or designee's requirement would cause imminent peril to life or property, which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the City Manager or designee, by the Board or by a court of record upon petition made pursuant to G.S. § 160D- 1208(d) and division (D) below of this section.

(1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make a decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the City Manager or designee, but the concurring vote of three members of the Board shall be necessary to reverse or modify any decision or order of the City Manager or designee. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the subchapter, to adapt the application of the subchapter to the necessities of the case to the end that the spirit of the subchapter shall be observed, public safety and welfare secured and substantial justice done.

(2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

~~(4)~~ (E) *Petition to Superior Court by owner.* Any person aggrieved by an order issued by the City Manager or a decision rendered by the Board shall have the right, within 30 days after issuance of the order to petition the Superior Court for a temporary injunction restraining the City Manager or designee pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

§ 150.055 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

~~Complaints or orders issued by the City Manager shall be served upon persons either personally or by first class mail, but if the whereabouts of the persons are unknown and the same cannot be ascertained by the City Manager or designee, in the exercise of reasonable diligence, the City Manager or designee shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publication in a newspaper having general circulation in the city at least once, no later than the time at which personal service is required under § 150.054. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.~~

(A) Complaints or orders issued by the Director shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(B) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Director in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Director makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

§ 150.056 IN REM ACTION BY CITY MANAGER OR DESIGNEE; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the City Manager or designee issued pursuant to the provisions of this subchapter, and upon adoption by the City Council of an ordinance authorizing the directing the officer, to do so, as provided by G.S. § ~~160A-443(5)~~ 160D-1203(5) and § 150.054(C) of this code, the City Manager or designee shall proceed to cause the structure either to be repaired or else removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § ~~160A-443(5).~~ 160D-1203(5).

§ 150.057 COSTS OF LIEN ON PREMISES.

(A) As provided by G.S. § ~~160A-443(6),~~ 160D-1203(7), the amount of the cost of any removal or demolition caused to be made or done by the Inspector pursuant to this subchapter shall be a lien against the real property upon which the cost was incurred.

(B) The lien shall be filed, have the same priority and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10 (§§ 160A-216 *et seq.*).

Section 2. That this ordinance shall become effective upon its adoption.

An Ordinance to Amend the City of Lincolnton Minimum Nonresidential Building Standards Ordinance In Compliance with Chapter 160D of the North Carolina General Statutes

Section 1. Amend Section 150.100 through 150.118, Minimum Nonresidential Building Standards as follows. Newly adopted language is underlined and highlighted in yellow. Language to be deleted is ~~struck through~~ and ~~red.~~

§ 150.101 PURPOSE.

In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this subchapter to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. ~~160A-439~~ 160D-1129. This subchapter provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

§ 150.112 INTERIM ACTION BY THE CODE ENFORCEMENT OFFICER.

After failure of an owner of a nonresidential building or structure to comply with an order of the code enforcement officer issued pursuant to the provisions of this subchapter and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. ~~160A-439(f)~~ 160D-1129(f) and § 150.107(D) of this section, the code enforcement officer shall proceed to cause such nonresidential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this section, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The code enforcement officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a class 3 misdemeanor.

§ 150.113 COSTS, A LIEN ON PREMISES.

(A) As provided by G.S. ~~160A-439(i),~~ 160D-1129(i), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the code enforcement officer pursuant to §§ 150.107 (D) or 150.110 shall be a lien against the real property upon which such costs were incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. 160A, Article 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(B) If the nonresidential building or structure is removed or demolished by the code enforcement officer, the code enforcement officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the code enforcement officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

§ 150.114 EJECTMENT.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the code enforcement officer produces a certified copy of an ordinance adopted by the City Council pursuant to G.S. ~~160A-493(f)~~ 160D-1129(f) and § 150.107(D) to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the code enforcement officer to proceed to exercise his duties under G.S. ~~160A-493(f)~~ 160D-1129(f) and § 150.107 (D) to vacate and close or remove and demolish the nonresidential building or structure.

Section 2. That this ordinance shall become effective upon its adoption.

An Ordinance to Amend the City of Lincolnton Minimum Housing Standards Ordinance In Compliance with Chapter 160D of the North Carolina General Statutes

Section 1. Amend Section 150.070 through 150.090, Minimum Housing Standards Ordinance as follows. Newly adopted language is underlined and highlighted in yellow. Language to be deleted is ~~struck through~~ and in ~~red font.~~

§ 150.070 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASEMENT. A portion of a building which is located partly underground having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this subchapter, at a cost not in excess of 50% of its value, as determined by finding of the Director.

DILAPIDATED. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this subchapter, at a cost not in excess of 50% of its value, as determined by finding of the Director.

DIRECTOR. The Director of Public Works and Utilities or the Director's designee.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a ***DWELLING.***

DWELLING, DWELLING UNIT, ROOMINGHOUSE, ROOMING UNIT or ***PREMISES.*** These terms construed as though they were followed by the words "or any part thereof."

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests in a number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

INSPECTOR. The Director as herein defined or Building Inspector or any agent of the Director who is authorized to act by the Director.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. ~~Any person who alone, or jointly, or severally with others:~~

~~(1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or~~

~~(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant thereto, to the same extent as if the person were the owner.~~

The holder of the title in fee simple and every mortgagee of record.

PARTIES IN INTEREST. All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas line.

PUBLIC AUTHORITY. The city housing authority or any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, building regulations or other activities concerning dwellings in the city.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

ROOMINGHOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

RUBBISH. Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

SUPPLIED. Paid for, furnished, or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. ~~Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this subchapter.~~ Dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering a dwelling unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the city.

§ 150.071 FINDINGS; PURPOSE.

(A) Pursuant to G.S. § ~~160A-441,~~ 160D Article 12, it is hereby found and declared that there exist in the city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering the dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals and otherwise inimical (harmful) to the welfare of the residents of the city.

(B) In order to protect the health, safety and welfare of the residents of the city as authorized by G.S. ~~Chapter 160A, Article 19, Part 6,~~ 160D Article 12 it is the purpose of this subchapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § ~~160A-444.~~ 160D – 1205.

§ 150.084 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation, notices, hearing.* Whenever a petition is filed with the Director by a public authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Director, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, the Director shall, if the preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in a dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Director at a place therein fixed, not less than ten, nor more than 30 days after the serving of the complaint. The owner ~~or~~ and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law ~~or equity~~ shall not be controlling in hearings before the Director.

(B) *Procedure after hearing.* After the notice and hearing, the Director shall state in writing the Director's determination whether the dwelling or dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

(1) If the Director determines that the dwelling or dwelling unit is deteriorated, the Director shall state in writing the findings of fact in support of the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this subchapter within a specified period of time, not to exceed 90 days. The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made.

(2) If the Director determines that the dwelling is dilapidated, the Director shall state in writing the findings of fact to support the determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the dwelling unit to comply with the minimum standards of fitness established by this subchapter, or else vacate and remove or demolish the same within a specified period of time, not to exceed 90 days.

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Director to repair, alter or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Director to vacate and close, and remove or demolish the same within the time specified therein, the Director shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the Director, as authorized by G.S. § ~~160A-446(g).~~ 160D-1208(e).

(2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Director within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1), the Director shall submit to the City Council an ordinance ordering the Director to cause the dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the

original order of the Director, and pending the removal or demolition, to placard the dwelling as provided by G.S. § ~~160A-443~~ 160D-1203 and § 150.085 of this chapter.

(3) *Enforcement and penalties.* See § 150.999.

(D) *Appeals from orders of Director.* An appeal from any decision or order of the Director may be taken by any person aggrieved thereby. Any appeal from the action of the Director shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Director and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Director shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Director refusing to allow the person aggrieved thereby to do any act, the Director's decision shall remain in force until modified or reversed. When any appeal is from a decision of the Director requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Director certifies to the Board, after the notice of appeal is filed with the Director, that by reason of the facts stated in the certificate a copy of which shall be furnished the appellant, a suspension of the Director's requirement would cause imminent peril to life or property, which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Director, by the Board or by a court of record upon petition made pursuant to G.S. § ~~160A-446(f)~~ 160D- 1208(d) and division (E) below of this section.

(1) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make a decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Director, but the concurring vote of ~~four~~ three members of the Board shall be necessary to reverse or modify any decision or order of the Director. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the subchapter, to adapt the application of the subchapter to the necessities of the case to the end that the spirit of the subchapter shall be observed, public safety and welfare secured and substantial justice done.

(2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) *Petition to Superior Court by owner.* Any person aggrieved by an order issued by the Director or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering the decision, to petition the Superior Court for a temporary injunction restraining the Director pending a final disposition of the cause, as provided by G.S. § ~~160A-446(f).~~ 160D- 1208(d).

§ 150.085 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

~~Complaints or orders issued by the Director shall be served upon persons, either personally or by first class mail, but if the whereabouts of the persons are unknown and the same cannot be ascertained by the Director in the exercise of reasonable, diligence, the Director shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publishing the same once each week for two successive weeks in a newspaper, (printed and published and circulating) in the city. Where service is made by publication, a notice of the pending proceeding shall be posted in a conspicuous place on the premises affected by the complaint or order.~~

(A) Complaints or orders issued by the Director shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(B) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Director in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Director makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

§ 150.086 IN REM ACTION BY DIRECTOR; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Director issued pursuant to the provisions of this subchapter, and upon adoption by the City Council of an ordinance authorizing and directing the Director to do so, as provided by G.S. § 160A-443(5) 160D-1203(5) and § 150.084 hereof, the Director shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this subchapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § ~~160A-443(5).~~ 160D-1203(5).

§ 150.087 COSTS A LIEN ON PREMISES.

As provided by G.S. § ~~160A-443(6),~~ 160D-1203(7), the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Director pursuant to § 150.086 shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10.

~~§ 150.089 COUNCIL TO HEAR APPEALS.~~

~~All appeals which may be taken from decisions or orders of the Director pursuant to § 150.084(D) shall be heard and determined by the City Council. As the appeals body, the Council shall have power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Council shall perform the duties prescribed by § 150.084(D) and shall keep an accurate journal of all its proceedings.~~

~~(Prior Code, § 4-69)~~

Section 2. That this ordinance shall become effective upon its adoption.

An Ordinance to Amend the City of Lincolnton Subdivision Regulations

Section 1. Amend Section 153.370 through 153.999, Subdivision Regulations, as follows. Newly adopted language is underlined and highlighted in yellow. Language to be deleted is ~~struck through~~ and ~~red.~~

§ 153.370 AUTHORITY, PURPOSE AND CONFLICT WITH OTHER LAWS.

(A) *Authority.* Subdivision provisions enacted herein are under the authority of G.S. § ~~160A-372.~~ 160D-804.

§ 153.379 PLAT SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND.

Pursuant to G.S. § ~~160A-373,~~ 160D-803, a final plat shall be prepared, approved and recorded pursuant to the provisions of these regulations whenever any subdivision of land takes place, except as herein provided.

(Prior UDO, § 17.9) Penalty, see § 153.999

§ 153.380 APPROVAL PREREQUISITE TO PLAT RECORDATION.

Pursuant to G.S. § ~~160A-373,~~ 160D-803, no final plat of a subdivision within the planning jurisdiction of the city as established in § 153.015 of these regulations shall be recorded by the County Deeds Office until it has been approved as provided herein.

(Prior UDO, § 17.10) Penalty, see § 153.999

§ 153.384 PRELIMINARY MAJOR SUBDIVISION PLAT SUBMISSION AND REVIEW.

(A) Preliminary and final plat approval shall be required for all major subdivisions. Preliminary plat approval of all major subdivisions containing 250 lots or less may be made by the Planning Board. Final approval of all preliminary plats containing over 250 lots or subdivisions that require the placement of oversized utility lines may only be made by the City Council. ~~Any subdivision in excess of 35 lots and located in the Residential-25 (R-25) zoning district shall automatically be reviewed as a planned residential development (PRD) as outlined in §§ 153.215 through 153.220 of this chapter. (Procedures for accommodating PRDs in the subdivision process are also outlined in § 153.386)~~

§ 153.386 PLANNING UNIT DEVELOPMENTS (PUDs) AND PLANNED RESIDENTIAL DEVELOPMENTS (PRDs).

(A) To accommodate the difference between traditional lot-by-lot subdivisions and PUDs/PRDs, the city may waive or modify the design standards of these regulations and incorporate design standards applicable only to planned developments as set forth in §§ ~~153.215 through 153.220~~ 153.123 through 153.127 of this chapter. The waivers or modifications shall not be subject to the approval procedures outlined in § 153.378 of these regulations. To be reviewed under the PRD/PUD procedures a development must meet the criteria set forth in §§ ~~153.215 or 153.216~~ 153.123 or 153.124 of this chapter. ~~Any subdivision in excess of 35 lots and located in the Residential-25 (R-25) zoning district shall automatically be reviewed as a planned residential development (PRD).~~

(B) The subdivision design standards may be waived or modified for PRDs provided that the intent of these regulations is not mollified or lessened and provided that sufficient proof is given substantiating the adequacy of the attentive design. Planned unit developments and planned residential development shall follow the review procedures and development standards as set forth in §§ ~~153.215 through 153.220~~ 153.123 through 153.127 of this chapter.

§ 153.999 PENALTY.

(D) In addition to the other remedies cited in this chapter for the enforcement of its provisions, and pursuant to G.S. §§ ~~160A-175, 160A-365, 160A-375 and 160A-389~~, 160D-807 and 160D-404, the regulations and standards in this chapter may be enforced through the issuance of civil penalties by the Administrator. Additionally, and pursuant to the authority granted by G.S. § ~~160A-175 (b),~~ 160D-404, the city declares that the violation of the aforementioned civil penalty provisions shall not be a misdemeanor or infraction as provided in G.S. § 14-4.

(H) Pursuant to G.S. § ~~160A-389,~~ 160D-404(c), if a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter or other regulation made under authority conferred thereby, the city in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

(I) Pursuant to G.S. § ~~160A-175~~, 160D-807, the city may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

Section 2. That this ordinance shall become effective upon its adoption.

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

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

To Honorable Mayor and Members of City Council
City of Lincolnton
Lincolnton, North Carolina

December 17, 2020

We are pleased to confirm our understanding of the services we are to provide City of Lincolnton, North Carolina for the year ended June 30, 2021. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Lincolnton, North Carolina as of and for the year ended June 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as Management's Discussion and Analysis (MD&A), to supplement City of Lincolnton, North Carolina's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Lincolnton, North Carolina's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles, and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis
2) Budgetary Comparison Information
3) Law Enforcement Officers' Special Separation Allowance Schedules of Changes in Total Pension Liability and Total Pension Liability as a Percentage of Covered Payroll
4) Local Government Employees' Retirement System Schedule of the Proportionate Share of Net Pension Liability (Asset) and Schedule of Contributions
5) Schedule of the Proportionate Share of Net Pension Liability-Firefighters' and Rescue Squad Workers' Pension

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

1) Individual Fund Financial Statements
2) Budgetary Schedules
3) Other Schedules

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

1) Introductory Information
2) Statistical Information

Audit Objectives

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

If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets which, in our professional judgement, prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by Government Auditing Standards. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If, during our audit, we become aware that City of Lincolnton, North Carolina is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and to those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in Government Auditing Standards may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, Government Auditing Standards do not expect auditors to perform specific procedures to detect waste or abuse in financial audits, nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

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

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards; an overview of the type of work to be performed on the financial information of components, including the basis for a decision to make reference to a component auditor in the auditor's report; an overview of the engagement team's planned involvement in the work of component auditors on the financial information of significant components.

Audit Procedures—Internal Control

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

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and to those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and Government Auditing Standards.

Audit Procedures—Compliance

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

Other Services

We will also assist in preparing the financial statements and related notes of City of Lincolnton, North Carolina in conformity with U.S. generally accepted accounting principles based on information provided by you. We will also prepare the following based on information provided by you: AFIR, Data Collection Form and Unit Data Input Worksheet. These nonaudit services do not constitute an audit under Government Auditing Standards, and such services will not be conducted in accordance with Government Auditing Standards. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedures or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for designing, implementing, establishing, and maintaining effective internal controls, relevant to the preparation and fair presentation of financial statements that are free from material misstatements, whether due to fraud or error, including evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management is reliable and the financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information, of which you are aware, that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related-party relationships and transactions, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

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

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

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

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

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

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the related notes and that you have reviewed and approved the financial statements and the related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; to evaluate the adequacy and results of those services; and to accept responsibility for them.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for the interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

Engagement Administration, Fees, and Other

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

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

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

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

We expect to begin our audit on approximately August 25, 2021 and to issue our reports no later than October 31, 2021. Phillip E. Church is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. To ensure that Lowdermilk Church & Co., L.L.P.'s independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fee for these services will be at our standard hourly rates, plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed $35,800. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. We are required to inform you that we charge interest at a rate of 18% per annum on all invoices over 30 days old.

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

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

We are providing you with a copy of our 2018 external peer review report which accompanies this letter.

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

Very truly yours,

Phillip E. Church

Phillip E. Church
Partner

RESPONSE:
This letter correctly sets forth the understanding of City of Lincolnton, North Carolina.

Management signature:______________________________
Title:______________________________
Date:______________________________

Governance signature:______________________________
Title:______________________________
Date:______________________________

CONTRACT TO AUDIT ACCOUNTS

The	Governing Board City Council
of	Primary Government Unit (or charter holder) City of Lincolnton
and	Discretely Presented Component Unit (DPCU) (if applicable) Lincolnton Tourism Development Authority

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Lowdermilk, Church & Co., L.L.P
	Auditor Address 121 North Sterling Street, Morganton, NC 28655

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21 *Must be within four months of FYE*

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit- related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)[G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved 'with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later. T**he auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
b) the status of the prior year audit findings;
c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards,2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☑Auditor ☐Governmental Unit ☐Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	***Title and Unit / Company:***	***Email Address:***
Ritchie Haynes	City Manager	rhaynes@lincolntonnc.org

OR Not Applicable ☐ *(Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)*

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	City of Lincolnton
Audit Fee	$ 29,700
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$ 0
Writing Financial Statements	$ 6,100
All Other Non-Attest Services	$ 0
75% Cap for Interim Invoice Approval *(not applicable to hospital contracts)*	$ 26,850.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	Lincolnton Tourism Development Authority
Audit Fee	$ 0
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$ 0
Writing Financial Statements	$ 0
All Other Non-Attest Services	$ 0
75% Cap for Interim Invoice Approval *(not applicable to hospital contracts)*	$ 0.00

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Lowdermilk, Church & Co., L.L.P	
Authorized Firm Representative (typed or printed)* Phillip E. Church	Signature* Phillip E. Church
Date* 12-21-20	Email Address* phil.church@lowdermilkchurchcpa.com

GOVERNMENTAL UNIT

Governmental Unit* City of Lincolnton		
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))		
Mayor/Chairperson (typed or printed)* Edward L. Hatley	Signature*	
Date	Email Address ehatley@lincolntonnc.org	

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Ritchie Haynes	Signature*
Date of Pre-Audit Certificate*	Email Address* rhaynes@lincolntonnc.org

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* Lincolnton Tourism Development Authority	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)* Angela Lovelace	Signature*
Date*	Email Address* quilttrail@gmail.com

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)* Ritchie Haynes	Signature*
Date of Pre-Audit Certificate*	Email Address* rhaynes@lincolntonnc.org

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

Directory of Governmental Unit and Audit Firm Officials

City of Lincolnton
Governmental Unit

Lowdermilk Church & Co., L.L.P.
Auditor for the 2020-2021 Fiscal Year

GOVERNMENTAL UNIT

1. **ELECTED OFFICIAL:**
(Mayor for Municipalities and chairperson of governing board for all other units)

Edward L. Hatley
Name

Mayor
Title

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

Ritchie Haynes
Name

City Manager/Finance Director
Title

3. **FINANCE OFFICER:**

Ritchie Haynes
Name

City Manager/Finance Director
Title

(704) 736-8980
Phone No.

(704) 736-8999
Fax No.

rhaynes@ci.lincolnton.nc.us
E-Mail Address

AUDITOR

1. **CONTACT PERSON:**
Partner or other person with legal authority to contract for the firm)

Phillip E. Church
Name

Partner
Title

(828) 433-1226
Phone No.

(828) 433-1230
Fax No.

carol.avery@lowdermilkchurchcpa.com
E-Mail Address

2. **AUDITOR ANTICIPATES PREPARING THE FOLLOWING TYPE OF REPORT:**

(Check the appropriate box)

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

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

Notes:

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

ITEM
2b

Announcement of Upcoming Retirements Effective

March 1st, 2021

City of Lincolnton
In Appreciation of

Debra V. Tunstall

Upon Her Retirement On
March 1, 2021

The City of Lincolnton recognizes the employees of the City are its greatest strength, and honors their dedication and contributions to the City and its citizens.

May you be proud of the work you have done, the person you are, and the difference you have made.

17 Years of Service

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

______________________ *City Manager*

______________________ *Mayor*

City of Lincolnton

In Appreciation of

Julie Holbrooks

Upon Her Retirement On

March 1, 2021

The City of Lincolnton recognizes the employees of the City are its greatest strength, and honors their dedication and contributions to the City and its citizens.

May you be proud of the work you have done, the person you are, and the difference you have made.

13 Years of Service

____

City Manager

Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

____

Mayor

ITEM
2c

(R-02-21)

Resolution Authorizing the Lincolnton/Lincoln County Regional Airport to Declare Certain Personal Property Surplus

Daphne Ingram

From: Martin Eaddy <meaddy@lincolntonnc.org>
Sent: Friday, January 22, 2021 4:29 PM
To: Daphne Ingram
Subject: Fwd: Airport Surplus

Please add to the agenda. Thanks.

Sent from my iPhone

Begin forwarded message:

> **From:** Joe Tate <jetate@lincolncounty.org>
> **Date:** January 22, 2021 at 4:26:48 PM EST
> **To:** meaddy@lincolntonnc.org
> **Subject: Airport Surplus**
>
> Marty,
>
> My Airport Authority has authorized me to declare our old fuel farm as surplus property.
>
> We have two 12,000 gallon rusted single wall steel tanks.
>
> Please place these on one of your upcoming City Council Agenda.
>
> Sincerely,
>
> Joe Tate/Airport Manager
> Lincolnton/Lincoln County Regional Airport
> 704 563 8283
>
>

CITY MANAGER
Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr.

(R-02-21)
Resolution Authorizing the Lincolnton/Lincoln County Regional Airport to Declare Certain Personal Property Surplus

WHEREAS, the Lincolnton/Lincoln County Airport Authority has authorized the Airport Manager to declare certain personal property as surplus; and

WHEREAS, the Lincolnton/Lincoln County Regional Airport request that the City Council of the City of Lincolnton declare the same personal property surplus;

NOW, THEREFORE, BE IT RESOLVED by the Lincolnton City Council that the following described property is hereby declared to be surplus:

Fuel Farm - Two 12,000 gallon single wall steel tanks

Adopted this 4th day of February, 2021

____
Ed Hatley, Mayor

ATTEST:

____
Daphne Ingram, City Clerk

ITEM
3
PUBLIC HEARINGS

ITEM

3a

Conditional Use Permit

(CUP-1-2021)

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Conditional Use Permit Application from Shawna Moore (CUP-1-2021)

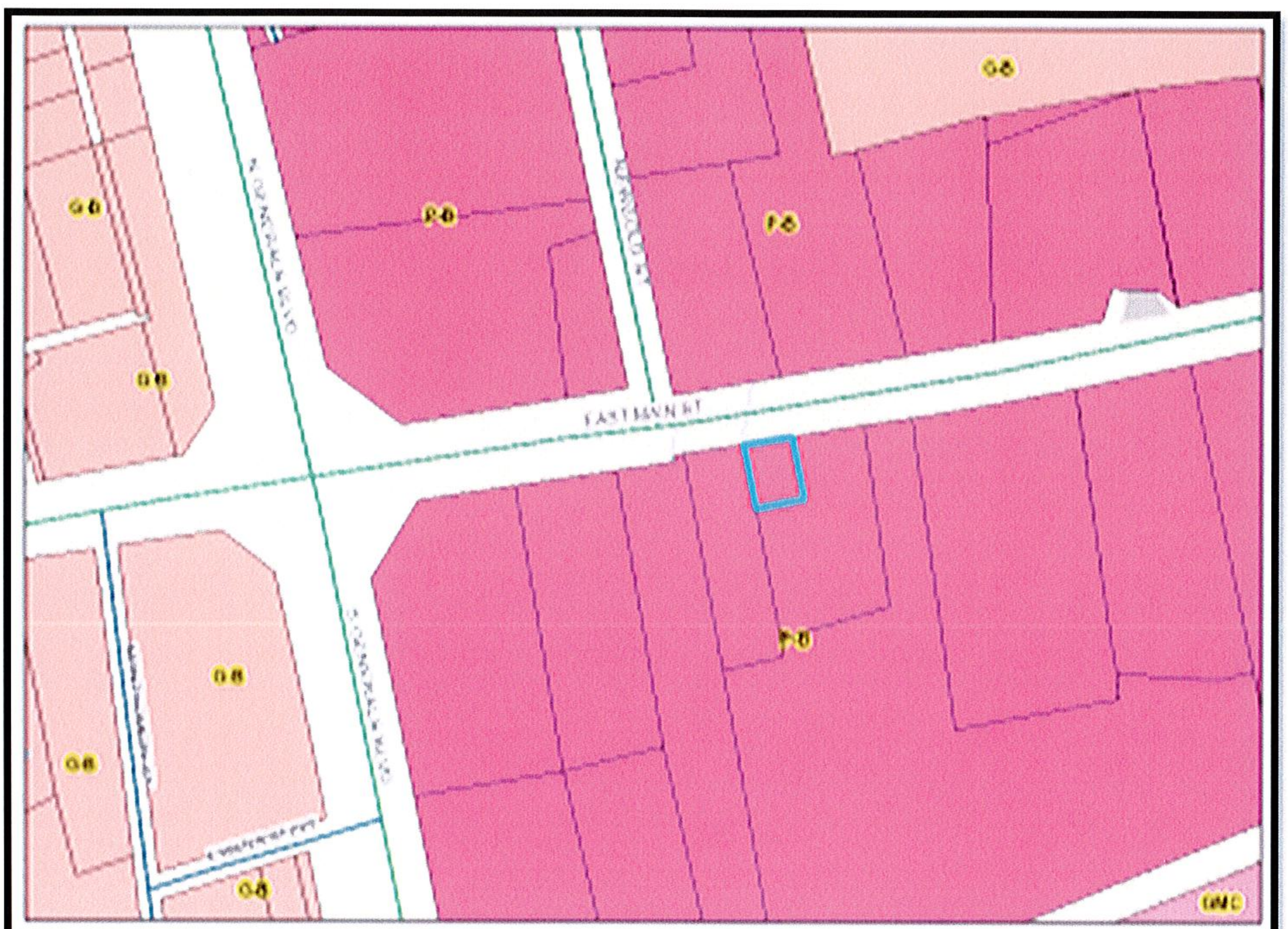
DATE: February 4, 2021

SITE AND AREA DESCRIPTION

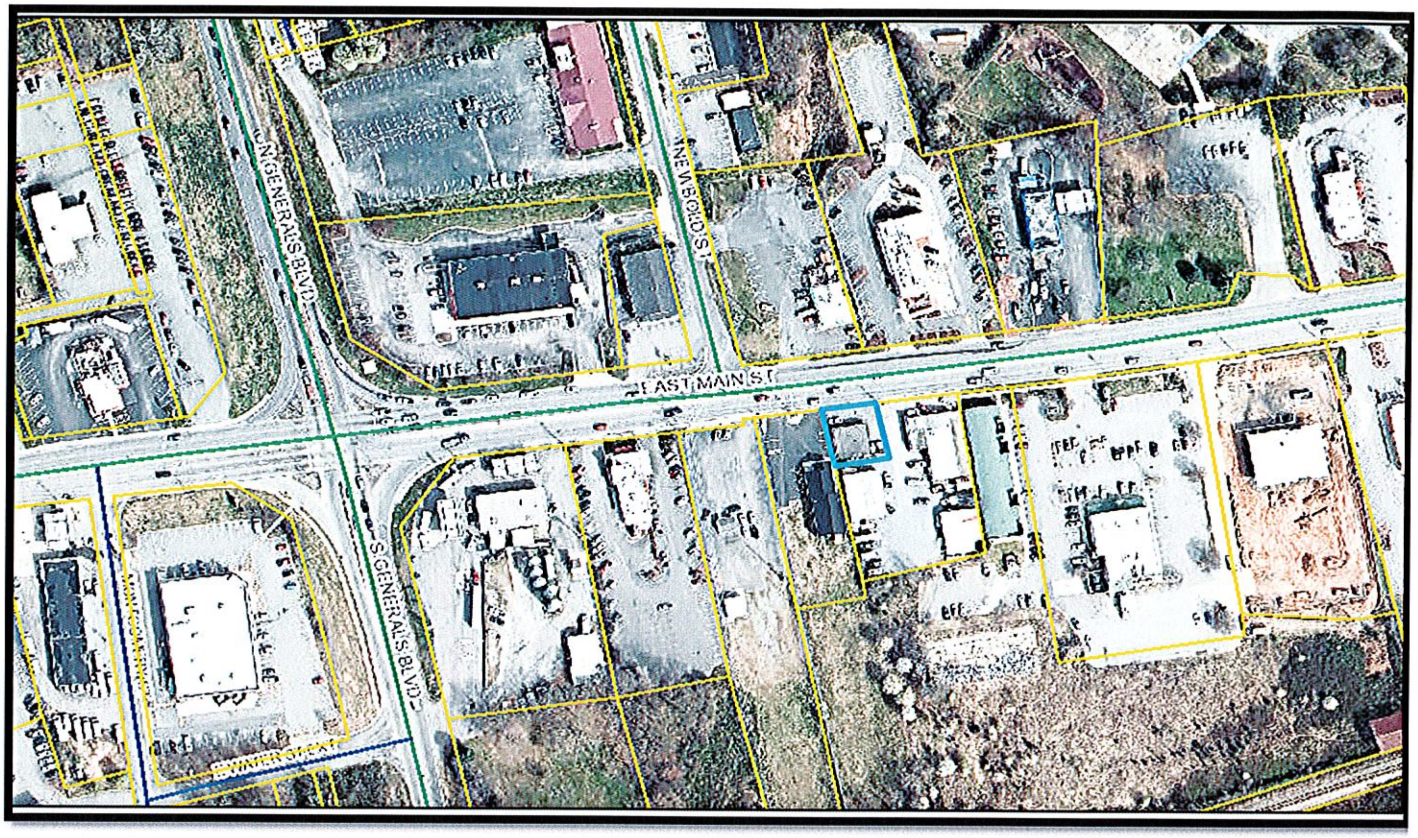
The applicant is requesting a conditional use permit in order to operate a tattoo studio in accordance with the newly established provisions for a tattoo studio in the PB District.

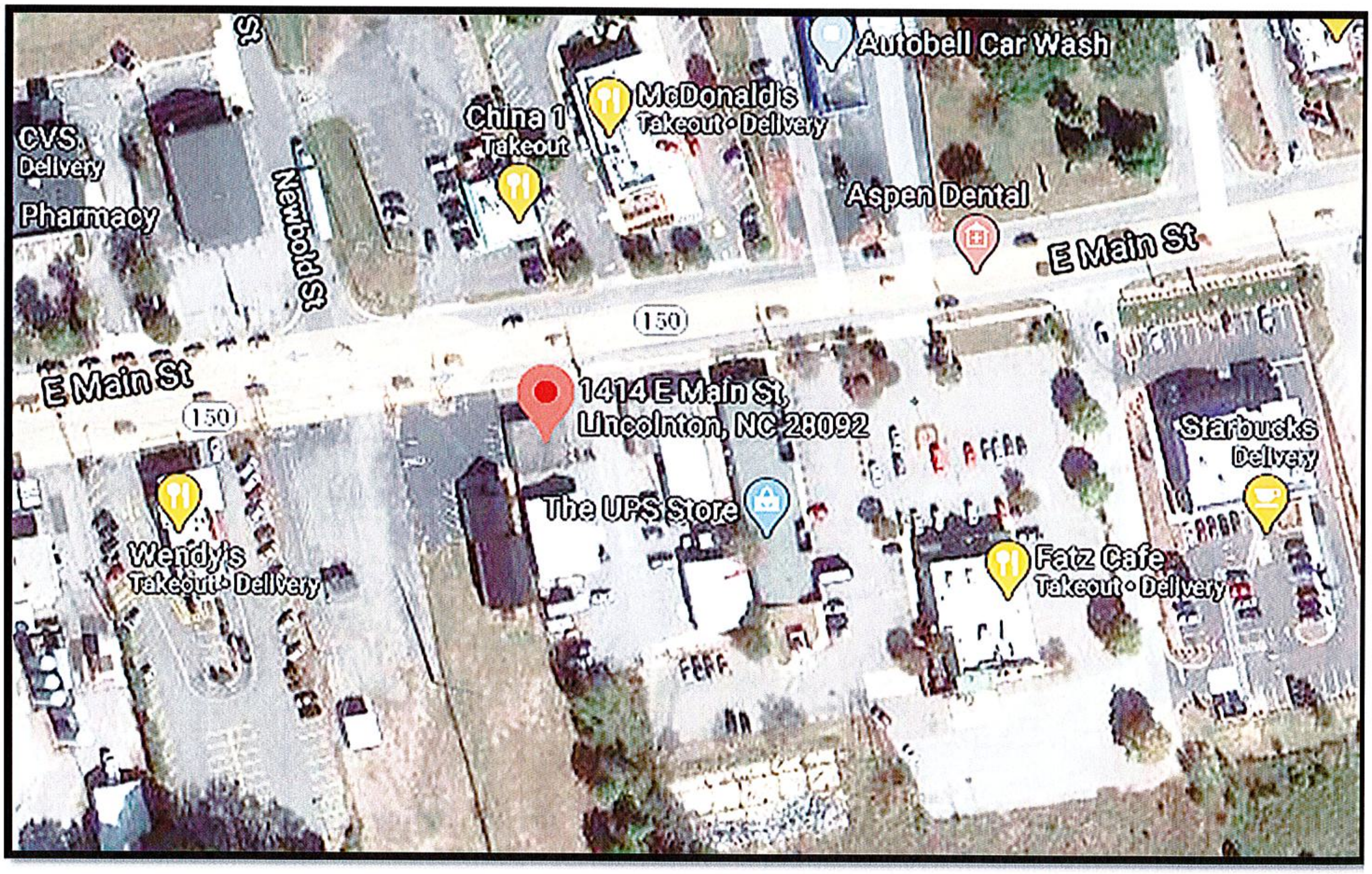
The subject property is located at 1414 East Main Street. The site has an existing 1,600 square foot commercial building which has been used for various retail and service uses over the years. Adjacent land uses are all commercial in nature including Lail Electric, McDonalds, China 1 and vacant commercial space to the west.

ZONING MAP



AERIAL VIEWS





STREET VIEWS

REQUEST

The applicant is requesting a conditional use permit in order to operate a tattoo studio. No changes will be made to the exterior of the site.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets these requirements.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

The UDO requires that four findings be determined by the City Council. They are as follows:

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

2. The use meets all required conditions and specifications, and

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

4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH SECTION 13.4.2

1. The applicant will need to provide evidence that the use will not 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 property.

4. The applicant will need to provide evidence that the use, if approved, will be in harmony with the area.

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.

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 to approve the conditional use permit ***or*** motion to deny the request.

ITEM
4
REGULAR AGENDA

ITEM
4a

2019 - 2020
AUDIT
PRESENTATION

NO BACK-UP AVAILABLE

ITEM

4b

(P-01-21)

Policies and Procedures for New Dog Park

LINCOLNTON DOG PARK

Policies & Procedures

Dog Park Hours

Mondays–Saturdays: Dawn–Dusk
Sundays: 12:30P–Dusk

Violating any of these rules will result in the termination of Dog Park privileges.

1. DOGS ONLY! Please do not bring any other type of pets to the Dog Park.
2. ALL dogs entering the Dog Park must be spayed or neutered.
3. Puppies under 5 months old are not permitted.
4. Maximum of 2 dogs per owner at the Dog Park.
5. Maximum amount of dogs allowed per Dog Park area:
    a. "Small Dog Area": 20
    b. "Large Dog Area": 15
    c. "Training Area": 10
6. Dogs must weigh less than 35 lbs to enter the "Small Dog Area". Dogs must weigh 35 lbs or more to enter the "Large Dog Area".
7. Dogs entering the Dog Park must be up to date on vaccinations (per NC regulations – including rabies, distemper, and parvovirus), parasite-free, and free of any contagious conditions.
8. All dogs must wear an ID tag (license) and current rabies vaccination tag.
9. Keep dogs leashed when outside of gates. Leashes must be 6' or less.
10. Leashes are not allowed to be used within the main fenced areas of the "Small Dog Area" or the "Large Dog Area". Leashes should only be used for training purposes in the "Training Area".
11. Leash and unleash your dog inside the double-gated holding areas, not inside any main fenced areas.
12. Only one person and their dog(s) are allowed in each holding area at a time.
13. Close ALL holding area gates immediately after opening them.
14. OWNERS MUST IMMEDIATELY CLEAN UP AFTER THEIR DOGS! Waste should be properly disposed of in on-site, designated containers. Any holes or disturbed areas created by a dog must be immediately repaired by the dog's owner.
15. Aggressive dogs are NOT permitted.
16. Owners must immediately leash and remove dogs from the dog park at the first sign of aggressive behavior or if the dog becomes sick.
17. NO FOOD, TREATS, TOYS, OR GLASS CONTAINERS ALLOWED (for either dog or human consumption/use).
18. Children ages 12 and under are NOT allowed in the Dog Park. Children ages 13 – 17 must be supervised by an adult.
19. Smoking, vaping, alcohol, and tobacco products of any type are not permitted at the Dog Park.
20. Commercial use of the Dog Park (training classes, solicitations and/or advertisements) must receive prior approval by the City of Lincolnton Parks and Recreation Department.
21. Owners must directly supervise their dogs at ALL TIMES and must remain inside of the fenced areas with their dog(s) while they are using the Dog Park. Owners must be in view of, and have voice control over, their dog(s) at ALL times.
22. Spectators should remain outside of the fenced areas.
23. All City of Lincolnton, Lincoln County, and State of North Carolina animal ordinances and laws shall apply within the Dog Park.

24. North Carolina State Law requires all dog bites to be immediately reported to the Lincoln County Animal Control Department (704-736-4125). Additionally, owners are required to assist in the investigation of incidents of aggression or biting by providing appropriate identification and information to the Lincolnton Police Department (704-736-8900), Lincolnton Parks and Recreation Department (704-735-2671), AND to other dog owners who are involved with the incident under investigation. IN THE EVENT OF AN EMERGENCY, CALL 911.
25. Dog park users must immediately leave the Dog Park, or specified Dog Park area(s), when requested to do so by Parks and Recreation or City/County enforcement personnel.
26. General park rules:
    a. No trespassing after hours per Section 96.01 of the City of Lincolnton Code of Ordinances.
    b. No weapons or drugs allowed on park premises.
    c. No fireworks, camping, or open burning allowed on park premises unless written permission is granted by the Parks & Recreation Director or designee.
    d. The possession or use of alcohol is prohibited unless permitted through the City of Lincolnton's special events permitting process.
    e. No solicitation allowed.
    f. It is a criminal violation of the City of Lincolnton Code of Ordinances, section 96.02, for any Registered Sex Offender to be on or about this recreation facility. Violators are subject to immediate arrest and punishable by fines and/or incarceration.
    g. Poisonous snakes, insects, and plants are all parts of the natural environment. Please be aware of your surroundings.
    h. Littering is prohibited. To help maintain a clean and safe environment for park visitors, put trash in designated receptacles.

All rule violations should be immediately reported to Lincolnton Parks and Recreation at (704) 735-2671.

Owners are liable for any injury or damage caused by their dog at the Dog Park and are fully responsible for their dog's actions. Any dog found to have bitten another dog/person will permanently lose all Dog Park privileges.

For safety purposes, the City of Lincolnton Parks and Recreation Department reserves the right to prohibit any dog from entering the Dog Park at any time. Additionally, the City of Lincolnton Parks and Recreation Department reserves the right to refuse admission and/or suspend users from the Dog Park.

The City of Lincolnton and the City of Lincolnton Parks and Recreation Department assumes no liability for any accidents, injuries, or illnesses sustained on the grounds of the Dog Park.

The City of Lincolnton Police Department and City of Lincolnton Parks and Recreation Department staff have full authority to enforce all rules and regulations pertaining to the use of the Dog Park.

Holding Area Instructions

(signage to enter)

ONLY 1 PERSON AND THEIR DOG(S) ALLOWED IN THE HOLDING AREA AT A TIME.

1. Open 1st holding area gate and enter with leashed dog(s).
2. Close 1st holding area gate.
3. Unleash dog(s).
4. Open 2nd holding area gate and let dog(s) inside play area.
5. Close 2nd holding area gate.

Holding Area Instructions

(signage to exit)

ONLY 1 PERSON AND THEIR DOG(S) ALLOWED IN THE HOLDING AREA AT A TIME.

1. Open 2nd holding area gate and enter with unleashed dog(s).
2. Close 2nd holding area gate.
3. Put leash(es) on dog(s).
4. Open 1st holding area gate and exit holding area with your leashed dog(s).
5. Close 1st holding area gate.

ITEM

4c

(APPT-02-21)

Vacancy/Chair Appointment to LTDA

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
Mary Frances White
Christine Poinsette
Roby Jetton

CITY MANAGER
Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
dingram@lincolntonnc.org
CITY ATTORNEY
Thomas J. Wilson, Jr.

MEMORANDUM

TO: Mayor and City Council Members

FROM: Daphne Ingram, City Clerk

DATE: January 29, 2021

SUBJECT: Lincolnton Tourism Authority Vacancy/Chair Appointment

In light of the resolution (R-11-09) adopted by Council in 2009 establishing a revised policy and procedures for appointments to city boards, commissions, and authorities, Jamel Farley, who was appointed at the December 3rd Council Meeting, is not eligible to serve on the Lincolnton Tourism Development Authority. Jamel will continue to serve on the Planning Board until his current term expires in December 2021. Attached for your review are five (5) applications received for citizens desiring to be appointed to this board. Council action will need to be taken at the upcoming February 4th council meeting to fill this vacancy.

Also, per the authority bylaws, the City Council appoints the Chair for this board. A list of the current members is attached. Council action is needed for this appointment as well. Please contact me if you have questions regarding this matter.

Cc: Ritchie Haynes

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

Daphne Ingram <dingram@lincolntonnc.org>

Online Form Submittal: Boards and Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com> Thu, Jan 28, 2021 at 4:33 PM
To: dingram@lincolntonnc.org, rhaynes@lincolntonnc.org

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Sarah
Last Name	Harmon
Date of Birth	7/8/1978
Home Street Address	916 E Park Drive
Home City	Lincolnton
Home Zip Code	28092
Home Phone	*Field not completed.*
Cell Phone	7045307975
Email Address	sarah@thehouseofharmon.com
Board/Commission/Committee Applying For:	Lincolnton Tourism Development Authority
Why are you interested in serving on this Board/Commission/Committee?	As a previous shop owner in Wilmington I understand the importance tourism plays in the success of a city. Attracting events and visitors to Lincolnton is an integral part of our growth.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	North Carolina State University, BS in Political Science, Meredith College Interior Design Lincoln County Board of Realtors Traveling, hiking, biking
Current Employer	House of Harmon Real Estate / Owner, Broker in Charge
Years in current position	2
Job Tittle	*Field not completed.*
Employer Phone Number	*Field not completed.*
Duties	Representing buyers and sellers in residential and commercial

	real estate transactions.
Other employment history	EXP Realty 2018, Lake Norman Realty 2016-2018, Western NC Sales Representative Kravet, Inc. 2011-2014, Owner Glenn Harmon Interiors Wilmington, NC 2009-2011

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	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	Sarah Harmon
Date	January 28, 2021

Email not displaying correctly? View it in your browser.

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

Daphne Ingram <dingram@lincolntonnc.org>

Online Form Submittal: Boards and Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com> Tue, Jan 19, 2021 at 4:22 PM
To: dingram@lincolntonnc.org, rhaynes@lincolntonnc.org

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	David
Last Name	Buck
Date of Birth	11/29/1981
Home Street Address	615 E. Sycamore St
Home City	Lincolnton
Home Zip Code	28092
Home Phone	7048073740
Cell Phone	7048073740
Email Address	1bigbuck@gmail.com
Board/Commission/Committee Applying For:	Lincolnton Tourism Development Authority
Why are you interested in serving on this Board/Commission/Committee?	Throughout my life and career I have looked for opportunities to improve the lives of my family, church and community. I feel that this is another way for me to continue my growth and serve the citizens of Lincolnton. My family and I moved to Lincolnton in 2019 because we loved the community and feel of this wonderful city. We have taken part in many community events since moving here and look forward to attending and bringing even more events to Lincolnton. With so many things happening around our world that have divided Americans, I feel that it is important to maintain/increase these community events in a safe fashion to bring people closer together.(6ft apart during Covid. LOL)
Interest/Skills/Areas of Expertise/Professional Organization/Activities	- Created Carolinas Organized Retail Crime Alliance and served on the board from 2012 until 2021. This was an opportunity to build relationships between law enforcement(LE) and loss prevention professionals(LP. By doing this we have bridged the gap not only between these two professions but

	also connected LE and LP throughout North and South Carolina. The result has been larger cases being identified and prosecuted to make our communities safer. - Serve as athletics director for my church allowing me to build close relationships and grow God's kingdom by introducing young adults to our church through a common interest in sports. - Served in the United States Marine Corps from 2000-2008 in logistics and civil affairs. This gave me the opportunity to move "beans, bullets and band-aids" where they were most needed using my logistics knowledge. Through civil affairs I was able to take part in the rebuilding of Iraq and foster connections between the American forces and Iraqi people. During my Iraqi deployment I lived with the Iraqi army and trained them on military tactics and was appointed camp commandant to oversee all camp functions and security for 250 Iraqi soldiers and 11 Marines.
Current Employer	Bed Bath & Beyond Inc
Years in current position	14
Job Tittle	Ecomm and Profit Protection Manager
Employer Phone Number	9085573390
Duties	Mitigate fraud for all ecomm. operations(Fraud transaction, Internal/External investigations). Oversee the profit protection coordinators as they support store operations and vendor work orders
Other employment history	Marine Corps 2000-2008

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
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/Committe e. Therefore, please list any other Board/Commission/Committe	None

e 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	David Alan Buck Jr.
Date	1/19/2021

Email not displaying correctly? View it in your browser.

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

Daphne Ingram <dingram@lincolntonnc.org>

Online Form Submittal: Boards and Commissions Application

noreply@civicplus.com <noreply@civicplus.com> Tue, Jan 19, 2021 at 6:10 PM
To: dingram@lincolntonnc.org, rhaynes@lincolntonnc.org

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Montreko
Last Name	Gaddy
Date of Birth	*Field not completed.*
Home Street Address	824 N. Academy Street Ext
Home City	Lincolnton
Home Zip Code	28092
Home Phone	*Field not completed.*
Cell Phone	9803951542
Email Address	montreko@live.com
Board/Commission/Committe e Applying For:	Lincolnton Tourism Development Authority
Why are you interested in serving on this Board/Commission/Committe e?	As a new member in the city. I want to have a voice and collaborate to bring ideas and drive Lincolnton as a place tourist must visit.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Conflict Resolution: Project Management, Six Sigma, Quality Control. Building a team and organizational development
Current Employer	Charlotte Regional Visitors Authority
Years in current position	1
Job Tittle	Senior Manager Facility Operations
Employer Phone Number	7043396090
Duties	Responsible for assisting in budgetary analysis, preparation, and review. Plans, designs, and programs

	Manages managers and supervisors in the Facility Operations department that supervise a total of approximately twenty full-time employees plus part-time and event Is responsible for the overall direction, performance, coordination, and evaluation of this unit. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and Directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.
Other employment history	The Park Expo and Conference Center June 2017- February 2020 Director of Facility Operations

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 4
Gender	Male
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:	N/A

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	Yes
If yes, please explain disposition	Trafficking Cocaine March 2004

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	Montreko Gaddy
Date	01/19/2021

[Quoted text hidden]

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

Daphne Ingram <dingram@lincolntonnc.org>

Online Form Submittal: Boards and Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com> Fri, Jan 22, 2021 at 3:33 PM
To: dingram@lincolntonnc.org, rhaynes@lincolntonnc.org

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	RANDALL
Last Name	WILLIAMS
Date of Birth	10/7/1973
Home Street Address	1169 TIMBERLANE DR
Home City	Lincolnton
Home Zip Code	28092
Home Phone	8285149878
Cell Phone	8285149878
Email Address	rwilliams@clayton-engineering.net
Board/Commission/Committee Applying For:	Lincolnton Tourism Development Authority
Why are you interested in serving on this Board/Commission/Committee?	I grew up and live in Lincolnton and want to participate in the success of the local community.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	30 years in the construction industry. Managed projects ranging from a few thousand dollars to multi-million dollar projects. Past National President of the Professional Construction Estimators Association.
Current Employer	Clayton Engineering & Design, PLLC
Years in current position	3
Job Tittle	Construction Administration
Employer Phone Number	8284553456
Duties	Review Construction Design Plans and Construction

	Documents. Project Management.
Other employment history	*Field not completed.*

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/Committe e. Therefore, please list any other Board/Commission/Committe e on which you currently serve in the box below:	N/A

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	RANDALL WILLIAMS
Date	01/22/2021

Email not displaying correctly? View it in your browser.

Lincolnton NC
Near the City. Near the Mountains. Near Perfect.

Daphne Ingram <dingram@lincolntonnc.org>

Online Form Submittal: Boards and Commissions Application

1 message

noreply@civicplus.com <noreply@civicplus.com> Thu, Jan 21, 2021 at 11:13 AM
To: dingram@lincolntonnc.org, rhaynes@lincolntonnc.org

Boards and Commissions Application

Application for Boards/Commissions/Committees

Please complete each section

First Name	Deanna
Last Name	Williams-McGinnis
Date of Birth	3/6/1970
Home Street Address	303 Little St
Home City	Lincolnton
Home Zip Code	28092
Home Phone	*Field not completed.*
Cell Phone	7042400807
Email Address	dmg12346@aol.com
Board/Commission/Committee Applying For:	Lincolnton Tourism Development Authority
Why are you interested in serving on this Board/Commission/Committee?	I am passionate about bringing more people into Lincolnton, I feel we have so much to offer and are growing. We have developed our downtown as well as a growing Blueway and Railtrail that I feel we can bring in both families for recreation and will stay over to visit our city. I think we are offering more each year in our Arts and Culture areas, we have two outstanding breweries. We have to maintain a plan to not only keep our community engaged to stay local on weekends but bring surrounding counties to us on weekends and during the week to shop, eat and enjoy our parks.
Interest/Skills/Areas of Expertise/Professional Organization/Activities	Arts and Culture. I am currently the Executive Director of the Lincoln County Arts Council, I serve on the Board of Directors of the Lincoln Cultural Center. I have past experience of serving and chairing several boards. This is my second career I retired from healthcare management after 27 years. I am very active in Lincolnton as it is my hometown.

Current Employer	Arts Council of Lincoln County
Years in current position	5
Job Tittle	Executive Director
Employer Phone Number	704 732 9044
Duties	I oversee all the operations of the ACLC
Other employment history	27 years with Atrium Healthcare.

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
Gender	Female
Ethnic Origin	Native American
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	*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	Deanna Williams-McGinnis
Date	1/21/2021

LINCOLNTON TOURISM DEVELOPMENT AUTHORITY

CINDY BALLARD
HAMPTON INN – MANAGER **cindy.ballard@hilton.com**
129 ROPER DRIVE
LINCOLNTON, NC

ALLISON GAHRMANN
WHITE ROSE MANOR B&B - OWNER **reservations@whiterosemanor.com**
1550 EAST MAIN STREET
LINCOLNTON, NC

LINCOLNTON, NC

1ST TERM **JANUARY 2021 – DECEMBER 2023**

ANGELA LOVELACE **quilttraillnc@gmail.com**
501 GRIER STREET
LINCOLNTON, NC

1st TERM **JANUARY 2020 – DECEMBER 2022**

PAM HUSKEY **pam@citizenssprinkler.com**
821 S. POPLAR STREET
LINCOLNTON, NC 28092

1st TERM **JANUARY 2019 – DECEMBER 2021**

ITEM
5
OTHER BUSINESS

ITEM

5a

ABC Board Request

Tommy Huskey - Chair

NO BACK-UP AVAILABLE

ITEM

5b

Manager’s Report/
Update

February 2021 Council Meeting

Executive Summary
December 2020 Year-To-Date

General Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 10	Revenues	10,911,910	6,625,565	61%	11,543,700	6,503,771	121,794
	Fund Balance	-	-	-	825,000	-	-
		10,911,910	6,625,565		12,368,700	6,503,771	121,794
	City Manager/Clerk	248,220	58,997		222,495	25,443	33,554
	Human Resources	317,020	142,533		262,720	87,505	55,028
	Finance	158,230	(88,468)		129,630	(197,182)	108,714
	General Expense	1,280,731	648,727		1,103,160	536,463	112,264
	General Debt Service	334,757	8,706		430,632	12,910	(4,204)
	Police	3,400,120	1,757,497		3,223,020	1,657,003	100,494
	Fire	2,234,100	1,173,426		2,364,700	1,217,555	(44,129)
	Public Works	45,660	(27,503)		43,010	(79,361)	51,857
	Street	829,825	292,376		1,329,225	439,297	(146,920)
	Equipment Services	211,770	94,828		122,970	36,303	58,525
	Solid Waste	692,375	241,651		908,855	609,038	(367,386)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	183,115		557,420	148,944	34,171
	Bus & Comm. Dev	123,200	88,733		423,200	26,400	62,333
	Recreation	1,038,663	481,769		1,247,663	716,662	(234,893)
	Expenses	11,411,910	5,056,387	44%	12,368,700	5,236,979	(180,593)
	Difference		1,569,179			1,266,792	302,387

Water & Sewer Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 61	Revenues	8,146,950	4,199,690	52%	7,146,949	4,117,869	81,821

	Fund Balance	-	-		3,725,010		
		8,146,950	4,199,690		10,871,959	4,117,869	81,821
	Water Treatment	1,972,500	656,678		1,496,850	633,640	23,038
	Dist & Collection	2,032,900	799,137		3,652,160	2,088,243	(1,289,107)
	Wastewater	1,625,000	696,808		1,547,000	587,079	109,729
	W & S Intangibles	4,247,050	908,106		4,175,949	1,073,980	(165,874)
	Expenses	9,877,450	3,060,728	31%	10,871,959	4,382,941	(1,322,213)
	Difference		1,138,961			(265,073)	1,404,034

Electric Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 63	Revenues	7,788,350	5,078,825	65%	7,937,102	4,383,173	695,652
	Fund Balance	-	-		2,330,000	-	-
		7,788,350	5,078,825		10,267,102	4,383,173	695,652
	Electric Dept.	8,696,830	4,257,687		10,267,102	4,289,763	(32,076)
	Expenses	8,696,830	4,257,687	49%	10,267,102	4,289,763	(32,076)
	Difference		821,138			93,411	727,728

Overtime	80+ hours		289,214			267,608	21,606