

REGULAR MEETING - March 4, 2021

The Mayor and City Council met in regular session on Thursday, March 4, 2021 at 7:00 p.m. using a hybrid format in-person and via Zoom. City Council Members participated virtually, while staff and others wishing to attend the meeting in person, met in Council Chambers.

The following were in attendance:

WHITE POINSETTE EADDY JETTON

Mayor Ed Hatley called the meeting to order, asking all rise for the pledge of allegiance.

Councilwoman White 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 for the February 4, 2021 Regular Meeting
- C-02-21 – Approval of Contract with East Coast Pyrotechnics for the 2021 Fireworks Display
- Revised Incentive Package for Willowbrook Project

(a copy of which is attached to and made a part of these minutes).

Members voted 4-0 in favor of the motion.

PUBLIC HEARINGS

ZMA-1-2021 - Application from Tom Engle requesting a rezoning of 3.67 acres of land from the Residential-25 (R-25) District to the General Business (GB) District. The subject property is located on the south side of Clarks Creek Road approximately 250 feet west of the intersection of Clarks Creek Road and North Aspen Street/Maiden Highway (Parcel ID 21504)

Mayor Ed Hatley opened the public hearing, recognizing Laura Elam, Planning Director, to review the request Mrs. Elam began her review as follows:

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The applicant is requesting the rezoning of 3.67 acres from the Residential-25 District to the General Business (GB) District. The property is located on the south side of Clarks Creek Road approximately 250 feet west of the intersection of Clarks Creek Road and North Aspen Street/Maiden Highway (Parcel ID 21504). Mrs. Elam stated that the property is currently vacant. Land uses in the area include a mixture of single family and commercial. A new Dollar General retail store is to the east of the site. The property is surrounded by GB zoning on all sides except to the west, which is zoned R-25.

Mrs. Elam confirmed that request is in compliance with Land Use Plan, as it shows the property in the General Business Planning Area. She continued stating that Planning Board and staff recommended approval of the statement of consistency and reasonableness and approval of rezoning of property from R-25 to GB.

With no questions from council, **Councilman Jetton made a motion to close the public hearing. Members voted 4-0 in favor of the motion.**

Councilman Eaddy made a motion to approve the following consistency and reasonableness statement: The Lincolnnton Land Use Plan designated this property as part of the General Business Planning Area. The proposed rezoning request is consistent with the Lincolnnton Land Use Plan, therefore approval of the proposed amendment is reasonable and in the public interest. **Members voted 4-0 in favor of the motion.**

Councilwoman Poinsettee made a motion to approve the rezoning. Members voted 4-0 in favor of the motion

(O-05-21)

ZTA-1-2021 – Application from Lincolnnton Planning Department requesting an amendment of the City of Lincolnnton Unified Development Ordinance, Chapter 153 of the City Code, to comply with recently adopted state enabling legislation (Chapter 160D)

Mayor Ed Hatley opened the public hearing, after which he called on Planning Director Laura Elam to speak to the item.

Mrs. Elam began, announcing this being the final text amendment dealing with the implementation of the Chapter 160D. In summary she reminded Council of the fact that amendments are required due to recent revisions per state statute that enable

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planning in the state of North Carolina. Mrs. Elam offered to answer any questions from Council, noting that Planning Board did recommend approval.

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

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

Proposed Community Development Block Grant Economic Development (CDBG-ED) Presentation

Mayor Ed Hatley continued with the next public hearing, recognizing Mr. David Hartigan to speak to this next request. Mr. Hartigan began explaining this as the first of the two required public hearings for a Community Development Block Grant, stating that the purpose of the public hearing is to inform the public that the Community Development Block Grant program exists. As indicated in the published notice, Mr. Hartigan stated that the CDBG program permits a wide range of development activities to occur which are directed towards promoting the creation or retention of jobs, enhancing income levels and providing local employment opportunities principally for persons of low and moderate income through economic development and public infrastructure. He continued stating that applications for CDBG assistance must show that at least 60% of the CDBG funds proposed for each activity will benefit low and moderate income persons. *(a copy of notice attached to and made a part of these minutes).*

With no questions from Council and no one else requesting to speak to the issue, **Councilwoman White made a motion to close the public hearing. Members voted 4-0 in favor of the motion.**

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

REGULAR AGENDA

C-03-21

Sidewalk Dining Agreement between the North Carolina Department of Transportation and the City of Lincolnton

Planning Director Laura Elam addressed the members of Council regarding this request. Mrs. Elam briefly explained the need for this request, which originated as a result of correspondence with NCDOT regarding sidewalk dining being allowed within the NCDOT right-of-way. She stated that approval of this proposed agreement is the first step needed. The City will then need to amend the current Sidewalk Dining Ordinance, making it consistent with state requirements. *(a copy of agreement is attached to and made a part of these minutes).*

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

Request permission for use of City logo for marketing purposes

Mr. John Brinsfield, of Brick Tree Brewing Company, addressed Council to request permission to use the city's logo on their beer can labels for regional distribution of the beer produced at Brick Tree Brewing Company. Mr. Brinsfield displayed two samples for Council's consideration, briefly explaining each draft. Mr. Brinsfield spoke to the awareness this can bring to Lincolnton and how it can hopefully draw individuals from outside of the county to the City of Lincolnton. He also informed Council of the German Pilsner produced that they have named Lincolnton Lager. He concluded offering to answer any questions and discussing the request further with Council.

Councilman Eaddy commented on his support of the request, stating he felt it is a great way to attract people to come to, not only Brick Tree, but Lincolnton to shop and eat and visit other establishments. He also expressed his preference for having a completely intact logo as designed. Mayor Ed Hatley agreed, stating he thinks it is a good way to get the City's name out there and commending the owners of Brick Tree for a job well done. Councilman Jetton stated his support of the idea but expressed concern over how to answer the public outcry from local churches he feels may result. Councilwoman Poinsette expressed her support of the idea, saying it is a great way to get people to know about Lincolnton. Some discussion was generated among council members.

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After much discussion, Councilwoman Poinsette made a motion to approve the request for the use of the City logo for marketing by Brick Tree. Members voted 4-0 in favor of the motion.

(BA-01-21)

Budget amendment – Transfers to balance departmental budgets

City Manager Ritchie Haynes presented a proposed budget amendment as follows:

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

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

City Manager/Clerk	\$ (39,950)
Human Resources	38,200
Finance	(46,850)
General Expense	(70,000)
General Debt Service	-
Police	(6,850)
Fire	135,700
Public Works	-
Street	-
Equipment Services	33,350
Solid Waste	-
Planning/Zoning	-
Bus & Comm. Dev	21,250
Recreation	(64,850)
	<u>\$ -</u>

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

WATER TREATMENT PLANT	\$ (26,800)
DISTRIBUTION AND COLLECTION	-
WASTEWATER TREATMENT PLANT	19,150
WATER AND SEWER INTANGIBLES	7,650
	<u>\$ -</u>

SECTION 16. Appropriations are authorized by department totals. The City Manager is authorized to reallocate departmental appropriations among line item objects of expenditures and revenues as necessary during the budget year.

SECTION 17. Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL AMENDMENT \$ -

Adopted this 4th day of March, 2021

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

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Councilwoman White made a motion to approve the proposed budget amendment as presented. Members voted 4-0 in favor of the motion.

Request to continue discussions regarding the purchase of a new ABC store to replace current second location

Lincolnton ABC Board Chair Tommy Huskey submitted a request to address City Council regarding the purchase of a new ABC store. Mr. Huskey gave a brief summary of what has taken place over the past several months regarding talks of an expansion of the current west side store to a new location or building a new store.

In conclusion, Mr. Huskey asked Council to allow the ABC Board to contribute a minimum of \$110,000.00 to the City for this year and for next year. Councilman Eaddy confirmed that the City manager was in agreement with this request. Councilwoman Poinsette verified that the vote would be to allow this contribution by the ABC Board for this year and next year.

Councilman Eaddy made a motion that the ABC Board will contribute a minimum of \$110,000.00 for the next two fiscal years. Members voted 4-0 in favor of the motion.

(APPT-02-21)

Appointment of Chair for the Lincolnton Tourism Development Authority

Mayor Ed Hatley nominated Angela Lovelace to fill this vacancy. Being no discussion and no other nominations, Councilwoman White made a motion to nominate Angela Lovelace. Members voted 4-0 in favor of the motion.

MONTHLY FINANCIAL/OVERTIME REPORT

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

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March 2021 Council Meeting							
Executive Summary							
January 2020 Year-To-Date							
				% of			
		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
General Fund							
Fund 10	Revenues	10,911,910	7,893,296	72%	11,543,700	7,641,360	251,936
	Fund Balance	-	-	-	825,000	-	-
		10,911,910	7,893,296		12,368,700	7,641,360	251,936
	City Manager/Clerk	248,220	101,391		222,495	51,680	49,712
	Human Resources	317,020	173,298		262,720	119,944	53,354
	Finance	158,230	(47,302)		129,630	(147,648)	100,346
	General Expense	1,280,731	758,371		1,103,160	618,074	140,297
	General Debt Service	334,757	9,949		430,632	14,154	(4,204)
	Police	3,400,120	2,034,920		3,223,020	1,918,132	116,788
	Fire	2,234,100	2,021,261		2,364,700	1,406,868	614,393
	Public Works	45,660	(12,875)		43,010	(64,523)	51,648
	Street	829,825	348,821		1,329,225	501,103	(152,282)
	Equipment Services	211,770	121,541		122,970	48,122	73,418
	Solid Waste	692,375	276,674		908,855	649,838	(373,164)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	209,209		557,420	197,956	11,253
	Bus & Comm. Dev	123,200	90,625		423,200	30,235	60,390
	Recreation	1,038,663	554,546		1,247,663	775,329	(220,782)
	Expenses	11,411,910	6,640,430	58%	12,368,700	6,119,264	521,166
	Difference		1,252,867			1,522,096	(269,229)

				% of			
		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
Water & Sewer Fund							
Fund 61	Revenues	8,146,950	4,894,727	60%	7,146,949	4,744,286	150,441
	Fund Balance	-	-		3,725,010		
		8,146,950	4,894,727		10,871,959	4,744,286	150,441
	Water Treatment	1,972,500	740,508		1,496,850	717,011	23,497
	Dist & Collection	2,032,900	902,027		3,652,160	2,238,988	(1,336,961)
	Wastewater	1,625,000	782,595		1,547,000	673,509	109,086
	W & S Intangibles	4,247,050	947,105		4,175,949	1,109,754	(162,649)
	Expenses	9,877,450	3,372,235	34%	10,871,959	4,739,263	(1,367,029)
	Difference		1,522,493			5,023	1,517,470

				% of			
		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
Electric Fund							
Fund 63	Revenues	7,788,350	5,705,963	73%	7,937,102	4,923,970	781,993
	Fund Balance	-	-		2,330,000	-	-
		7,788,350	5,705,963		10,267,102	4,923,970	781,993
	Electric Dept.	8,696,830	4,751,419		10,267,102	4,833,636	(82,217)
	Expenses	8,696,830	4,751,419	55%	10,267,102	4,833,636	(82,217)
	Difference		954,544			90,335	864,210
Overtime 80+ hours			382,045			343,186	38,859

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Mr. Haynes directed Councils attention to the housing market information included in the agenda packet as he gave a brief overview. *(a copy of which is attached to and made a part of these minutes)*. He spoke to the upcoming March 12th budget work session and gave some details as to the order of the day. He also mentioned two employee retirements: Julie Holbrooks and Debra Tunstall.

Mr. Haynes introduced the City's new Finance Director, Pam McBryde, who was in attendance at the meeting and thanked Mr. Steve Zickefoose for assisting and helping with the transition.

Mayor Hatley took an unofficial poll of the members in reference to returning to in-person meetings, stressing that he did not want to do anything that everyone was not comfortable with. Councilman Eaddy remarked he is ok with it as long as mask and other guidelines are still required. With the other members also in favor of going back to in-person meetings, Mayor Hatley announced that unless something drastically changed, Council will return to in-person meetings next month.

PUBLIC COMMENT:

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

NEWS MEDIA:

No news media were present

ADJOURNMENT:

Being no further business, Councilman Jetton made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

DATE: March 4, 2021

RE: Consideration of Economic Development Incentive Package for Sparty Holdings LLC for building renovations for a new manufacturing use located at 215 Bonview Avenue (former Willowbrook Mill)

Project Information

- Location: 215 Bonview Avenue



- Project: Building renovations for new manufacturing use including the following:
 - Removal of asbestos and lead based paint
 - Electrical system
 - Mechanical system
 - Plumbing system
 - Fire sprinkler
 - Roofing
 - Floor repair
- Preliminary cost estimate: \$5,191,992*

*Cost estimate from architect is attached as pages 3 – 5.

Proposed Economic Development Incentive Package

Incentive	Value
• City contribution towards costs associated with re-use and re-energizing of structure	200000
• City waiver of electric and water meter fees	1550
• City waiver of water connection fee	1200
• City waiver of sewer connection fee	1000
• City waiver of electricity deposit	250
• City waiver of water deposit	50
• City waiver of sewer deposit	50
• City to provide striped on-street parking on public streets near site	2000
• City waiver of rezoning request fee	200
• City waiver of variance request fee	200
• City waiver of Fire Marshal plan review fee	250
Total Value of Proposed Incentive Package	\$206,750

Requested Action

Approval of economic development incentive package as outlined above.

Preliminary Budget Projections for Willowbrook Mill Renovations							
Including Only Main Floor and Needed Improvements to Occupy							
17-Jul-20				Low Range		Hi Range	
					Subtotal		Subtotal
Budgets							
Electrical							
Power/ Lighting Main Floor				490,459		608,169	
+Min Light/EM/Rec @ Bsmt				123,372		152,981	
					613,831		761,150
Fire Alarm							
First Floor +General @Bsmt				56,000	56,000	58,000	58,000
Mechanical							
First Floor				287,505		356,506	
+Min Heat @ Bsmt				54,832		67,991	
					342,337		481,497
Plbg -25 Units @@ First Floor				187,500		232,500	
30 Bsmt rough in only			(allowance)	30,000		37,000	
					217,500		269,700
Air Piping Allowance				50,000	50,000	50,000	50,000
Roofing + R-15 Ins					309,355		317,335
Asbestos Abatement @ Roof					245,229		259,654
Asbestos & Lead Abatement Inside					400,000		500,000
Fire Sprinkler In Bldg-Both Floors				185,679		196,932	
Fire Service Line Outside to Building							
Minimum Length + 1 Hydrant				35,000		37,000	
Fire (Add Partial Loof @ Bldg If Required							
Appx 1000 LF				50,000		50,000	
Additional Fire Hydrants (5)				17,500		17,500	
					288,179		301,432
Roll Up Doors					36,000		45,000
Aluminum Awnings					18,500		22,940
Misc Carpentry					17,310		21,464
Doors, Glass, Hardware (25 Doors)					50,000		50,000
Walls, Office, Toilets, General +Drywall					17,046		21,137
Paint Prep (both floors clean up)				170,000		210,800	
Painting-first floor & exterior-walls & deck				138,700		171,988	

					308,700		382,788
Floor Covering 650 SF					19,500		24,180
Misc Contractor Direct Costs-supervision,					510,836		633,436
travel, eng layout, temp facilities,							
temp power, fuel, eq maintenance, eq rental,							
punch							
Clean Up (Construction)					71,409		88,547
Site Vegetation Clean Up (Allowance)					18,000		22,000
Landscaping					101,065	125,320	
Seeding					26,000	32240	
					126,065		157,560
Fence 8' -1800LF existing, replace 1000LF					33,000		38,000
Wood Floor Repair (Allowance)					15,000		18,600
Disable Frt Elev,, Check, Secure(Allowance)					10,000		10,000
Misc Not Covered					50,000		70,000
MAIN BUILDING SUBTOTAL					3,823,797		4,604,420
WHITE 2 STORY BUILDING							
Work to Demo Out, Secure and Keep Exterior Walls							
Provide separation closure at openings to main bldg							
Demo & Clean Up					114,300		141,732
Asbestos Abatement in White Building (allowance?)					100,000		100,000
Construct Separation Wall,Hole Patch @ Demo					32,000		39,680
Structurally Shore Remaining Tall Walls (Allowance)					100,000		100,000
Miscellaneous related to demo or foundations					50,000		50,000
WHITE BUILDING SUBTOTAL (to save walls)					396,300		431,412

PARKING LOT (Across Street-Appx 40 Cars)							
Grading Allowance					20,000		24,800
Paving					64,480		79,955
PARKING LOT SUBTOTAL					84,480		104,755
SUBTOTAL INITIAL USE IMPROVEMENTS					4,304,577		5,140,587
Insurance, Bonds, Fees, Etc					43,045		51,405
TOTAL ESTIMATED RANGE OF CONSTRUCTION COST							
FOR MOVE IN FOR FIRST FLOOR USE					4,347,622		5,191,992

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.

February 19, 2021

**CITY OF LINCOLNTON
NOTICE OF PUBLIC HEARING**

The City of Lincolnton is considering applying to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development.

The CDBG program permits a wide range of development activities to occur which are directed towards promoting the creation or retention of jobs, enhancing income levels and providing local employment opportunities principally for persons of low and moderate income through 1) economic development and 2) public infrastructure. Applications for CDBG assistance must show that at least 60% of the CDBG funds proposed for each activity will benefit low and moderate income persons.

The City of Lincolnton will conduct a Public Hearing on Thursday, March 4, 2021 at 7PM, in the Lincolnton City Hall 114 West Sycamore Street, Lincolnton NC. The purpose of the Hearing is to obtain citizens input into the identification of economic needs and desired economic development activities. The input from the Hearing will be incorporated into the City's consideration and submission of a CDBG application to the Department of Commerce. Written comments received prior to the opening of the Public Hearing will be considered and may be sent to Ritchie Haynes, City Manager, 114 West Sycamore Street, Lincolnton, NC 28092.

This information is available in Spanish or any other language upon request. Please contact Daphne Ingram, City Clerk, at 704-736-8980 for accommodations for this request.

Esta informaci6n esta disponible en espailol o en cualquier otro idioma bajo peticion. Pongase en contacto con Daphne Ingram, City Clerk, at 704-736-8980 de alojamiento para esta solicitud.

NORTH CAROLINA

SIDEWALK DINING AGREEMENT

DATE:

**NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION**

AND

CITY OF _____

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of _____, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the North Carolina General Assembly (NCGA) has enacted legislation to allow sidewalk dining (or the serving of food and beverage) on property within or adjacent to State right of way; and,

WHEREAS, this AGREEMENT is made under the authority granted to the Department by the NCGA including, but not limited to, the following applicable legislation: North Carolina General Statutes (NCGS), Section 136-18(9) and Section 136-27.4; and,

WHEREAS, this AGREEMENT is made in accordance with the most recent *Stewardship and Oversight Agreement on Project Assumption and Program Oversight*, executed between the Federal Highway Administration (NC Division) and the Department; and,

WHEREAS, this AGREEMENT outlines the Municipality's administrative rights and responsibility to enact a Sidewalk Dining Ordinance and issue Permits for such;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

I. SIDEWALK DINING ORDINANCE AND PERMITS - CONDITIONS OF APPROVAL

The Municipality is given approval to administer a sidewalk dining ordinance and issue approval of permits allowing such in State right-of-way in or near the vicinity of the Municipality under the condition that the Municipality meets the following criteria:

- A. The Municipality shall enact an ordinance that meets the requirements of, but not necessarily limited to the requirements of the General Statutes of North Carolina (NCGS), Section 136-27.4.
- B. The Municipality shall provide the Department a copy of the ordinance once enacted and shall provide the Department any updates to the ordinance.
- C. The permit issued by the Municipality shall require the restaurant operator to provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than the amount specified by the local government under G.S. 160A-485 as the limit of the local government's waiver of immunity or the amount of Tort Claim liability specified in G.S. 143-299.2, whichever is greater. The insurance shall protect and name the Department and the local government as additional insureds on any policies covering the business and the sidewalk activities.
- D. The permit issued by the Municipality shall require the restaurant operator to provide an agreement or evidence to indemnify and hold harmless the Department or the local government from any claim resulting from the operation of sidewalk dining activities.
- E. The permit shall require the restaurant operator to provide a copy of all permits and licenses issued by the State, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued to the Municipality. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.
- F. The Municipality shall also meet any other requirements deemed necessary by the Department, either for a particular local government or a particular component of the State highway system to safely allow sidewalk dining.
- G. The Municipality may impose additional requirements on a case-by case basis and nothing in this AGREEMENT requires the Municipality to issue or maintain any permit for sidewalk dining activities if, in the opinion of the Municipality, such activities cannot be conducted in a safe manner in the State right-of-way.
- H. The Department shall cancel this AGREEMENT and revoke the permission of the Municipality to issue permits if at any time the Department considers that the safety of the traveling motorist, pedestrians, or any other third party may be compromised.
- I. The Department reserves the right to cancel this AGREEMENT on a case-by-case basis if the Department deems the activities permitted by the Municipality cannot be conducted in a safe manner.

- J. No permits may be issued for sidewalk dining on any interstate route.
- K. The Municipality shall obtain permission from the Department to permit the right-of-way of any federal-aid route on or off the National Highway System to be used for sidewalk dining. A request for permission should be coordinated with the Department's Division Engineer.
- L. The Municipality shall keep and maintain a list or database of all current permits and issued parties that may be requested by the Department at any time. A copy of all paperwork and submitted documents shall be kept on hand and provided to the Department if requested. If the permit is incomplete or does not meet the standards of this AGREEMENT, the Department reserves the right to cancel this AGREEMENT.

II. SIDEWALK DINING ORDINANCE AND PERMITS - MINIMUM CONDITIONS OF ORDINANCE

The ordinance enacted by the Municipality shall be consistent with, but not necessarily limited to, the following minimum criteria:

- A. Tables, chairs, and other furnishings shall be placed a minimum of six feet from any travel lane.
- B. Tables, chairs, and other furnishings shall be placed in such a manner that at least five feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.
- C. Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.
- D. The maximum posted speed permitted on the roadway adjacent to the right-of-way to be used for sidewalk dining activities shall not be greater than 45 miles per hour.
- E. The standards set forth by this AGREEMENT are minimums according to General Statute. Every potential site for Sidewalk Dining shall be reviewed by the Municipality for safety. Meeting these minimum guidelines alone does not imply that minimum standards for safety have been met. NCDOT reserves the right to limit or restrict application of this AGREEMENT along specific corridors or locations if safety becomes an issue.
- F. The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the

Department, the local government, its agents or employees, or by any other governmental entity or public utility.

III. SIDEWALK DINING ORDINANCE AND PERMITS - TIME FRAME

This AGREEMENT shall remain in place until canceled in writing by either party with thirty (30) days written notice to the other party.

IV. ADDITIONAL PROVISIONS

- A. This AGREEMENT shall not preempt or override local ordinances which have been enacted within the authority of the NCGS that are currently in place.
- B. The Department shall not be held liable for any damages resulting from implementation of any ordinances or issuance of any permits under the terms of this AGREEMENT.
- C. This AGREEMENT contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this AGREEMENT except as expressly set forth herein.
- D. The parties hereby acknowledge that the individual executing this AGREEMENT on their behalf is authorized to execute this AGREEMENT on their behalf and to bind the respective entities to the terms contained herein and that he has read this AGREEMENT, conferred with his attorney, and fully understands its contents.
- E. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the AGREEMENT as binding as an original, and the parties agree that this AGREEMENT can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the AGREEMENT.
- F. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this AGREEMENT has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF _____

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____, Clerk of the local governing body of the _____

as attested to by the signature of Clerk of said governing body on _____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

Housing Market Sortable Statistics



Provided by Canopy Realtor® Association

January 2021

Click any area for a full report.

	Closed Sales	1-Year Change	Average Sales Price	1-Year Change	Median Sales Price	1-Year Change	New Listings	1-Year Change
Sort	Sort	Sort	Sort	Sort	Sort	Sort	Sort	Sort
The Charlotte Region	3,377	+ 11.9%	\$339,984	+ 13.6%	\$285,000	+ 12.9%	4,301	- 7.8%
COUNTIES								
Alexander County, NC	15	- 21.1%	\$214,867	- 6.5%	\$211,000	+ 31.9%	24	- 14.3%
Anson County, NC	9	+ 200.0%	\$150,389	+ 45.1%	\$129,900	+ 28.6%	12	0.0%
Cabarrus County, NC	248	+ 0.8%	\$289,837	+ 8.9%	\$265,830	+ 9.5%	297	- 20.2%
Chester County, SC	13	- 31.6%	\$151,068	- 3.3%	\$175,000	+ 15.9%	22	+ 37.5%
Cleveland County, NC	76	+ 111.1%	\$215,547	+ 18.5%	\$180,000	+ 20.4%	106	+ 63.1%
Gaston County, NC	242	- 8.0%	\$245,643	+ 4.1%	\$225,000	+ 9.8%	351	+ 21.9%
Iredell County, NC	272	+ 28.9%	\$365,552	+ 15.6%	\$300,000	+ 15.4%	318	- 8.9%
Lancaster County, SC	128	+ 14.3%	\$345,893	+ 12.0%	\$339,950	+ 11.1%	157	- 21.1%
Lincoln County, NC	95	+ 21.8%	\$336,266	+ 7.3%	\$313,213	+ 23.9%	119	+ 2.6%
Mecklenburg County, NC	1,326	+ 8.0%	\$383,626	+ 12.6%	\$309,950	+ 15.6%	1,678	- 13.7%
Montgomery County, NC	16	0.0%	\$275,906	+ 75.0%	\$224,500	+ 113.8%	22	- 26.7%
Rowan County, NC	136	+ 37.4%	\$232,413	+ 24.9%	\$212,000	+ 18.4%	142	- 4.1%
Stanly County, NC	53	- 7.0%	\$210,840	+ 23.1%	\$179,000	+ 10.2%	53	- 7.0%
Union County, NC	257	- 0.8%	\$416,340	+ 23.2%	\$360,800	+ 20.3%	422	+ 8.2%
York County, SC	363	+ 35.4%	\$326,512	+ 14.7%	\$290,000	+ 11.5%	432	- 9.4%
COMMUNITIES								
Charlotte MSA	2,804	+ 9.3%	\$346,949	+ 12.9%	\$294,000	+ 13.1%	3,619	- 8.1%
City of Charlotte, NC	1,050	+ 6.8%	\$372,069	+ 15.4%	\$291,000	+ 14.1%	1,370	- 15.2%
Concord, NC	160	+ 12.7%	\$278,216	+ 1.8%	\$266,025	+ 6.4%	162	- 29.9%
Cornelius, NC	52	- 3.7%	\$572,482	+ 5.0%	\$348,000	+ 8.5%	60	- 3.2%
Davidson, NC	36	+ 38.5%	\$565,662	+ 16.6%	\$439,184	+ 10.2%	32	- 33.3%
Denver, NC	60	+ 36.4%	\$433,424	+ 0.3%	\$368,000	+ 5.1%	66	+ 40.4%
Fort Mill, SC	121	+ 89.1%	\$350,033	- 3.9%	\$315,900	- 4.3%	120	- 21.1%
Gastonia, NC	91	+ 7.1%	\$213,937	+ 10.0%	\$207,000	+ 20.0%	140	+ 6.1%
Huntersville, NC	101	+ 21.7%	\$360,336	- 10.4%	\$352,000	+ 1.7%	127	+ 5.0%
Kannapolis, NC	62	+ 8.8%	\$244,886	+ 29.4%	\$197,500	+ 16.9%	64	- 26.4%
Lake Norman	180	+ 33.3%	\$574,542	+ 5.0%	\$406,500	+ 12.1%	244	+ 14.0%
Lake Wylie	104	+ 48.6%	\$415,785	+ 6.5%	\$364,925	- 1.0%	164	+ 3.8%
Lincolnton, NC	24	- 20.0%	\$234,116	+ 24.4%	\$217,500	+ 16.1%	33	0.0%
Matthews, NC	84	0.0%	\$389,463	+ 17.4%	\$355,000	+ 20.3%	76	- 26.9%
Monroe, NC	64	- 17.9%	\$271,557	+ 7.5%	\$254,370	+ 4.9%	164	+ 51.9%
Mooresville, NC	168	+ 33.3%	\$447,338	+ 14.1%	\$349,500	+ 16.0%	198	- 12.4%
Rock Hill, SC	116	- 7.2%	\$277,773	+ 20.8%	\$259,000	+ 17.7%	116	- 16.5%
Salisbury, NC	65	+ 22.6%	\$221,849	+ 21.1%	\$205,490	+ 16.1%	88	+ 20.5%
Statesville, NC	84	+ 25.4%	\$217,858	+ 6.5%	\$200,000	+ 5.3%	72	- 24.2%
Tega Cay, SC	18	+ 80.0%	\$402,650	+ 16.8%	\$367,450	- 2.4%	45	+ 60.7%
Uptown Charlotte	25	- 3.8%	\$393,631	+ 20.3%	\$332,750	+ 11.7%	32	- 20.0%
Waxhaw, NC	79	+ 23.4%	\$497,352	+ 22.9%	\$397,750	+ 15.8%	106	- 9.4%

Current as of February 5, 2021. All data from Canopy MLS, Inc. Percent changes are calculated using rounded figures. | SortStats © 2021 ShowingTime.

Local Market Update for January 2021

RESEARCH TOOL PROVIDED BY THE CANOPY REALTOR® ASSOCIATION
FOR MORE INFORMATION, CONTACT A REALTOR®



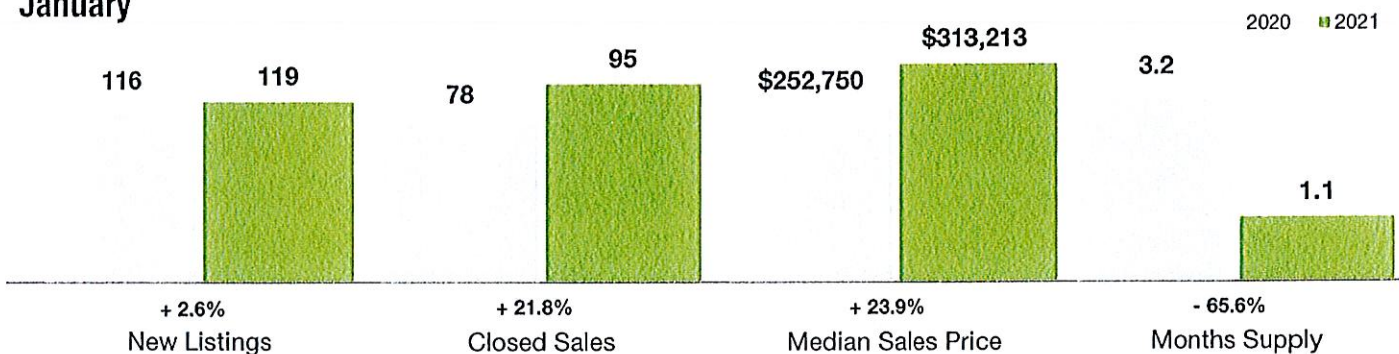
Lincoln County

North Carolina

Key Metrics	January			Year to Date		
	2020	2021	Percent Change	Thru 1-2020	Thru 1-2021	Percent Change
New Listings	116	119	+ 2.6%	116	119	+ 2.6%
Pending Sales	99	164	+ 65.7%	99	164	+ 65.7%
Closed Sales	78	95	+ 21.8%	78	95	+ 21.8%
Median Sales Price*	\$252,750	\$313,213	+ 23.9%	\$252,750	\$313,213	+ 23.9%
Average Sales Price*	\$313,249	\$336,266	+ 7.3%	\$313,249	\$336,266	+ 7.3%
Percent of Original List Price Received*	94.4%	98.7%	+ 4.6%	94.4%	98.7%	+ 4.6%
List to Close	129	102	- 20.9%	129	102	- 20.9%
Days on Market Until Sale	82	40	- 51.2%	82	40	- 51.2%
Cumulative Days on Market Until Sale	98	44	- 55.1%	98	44	- 55.1%
Average List Price	\$310,543	\$402,888	+ 29.7%	\$310,543	\$402,888	+ 29.7%
Inventory of Homes for Sale	355	160	- 54.9%	--	--	--
Months Supply of Inventory	3.2	1.1	- 65.6%	--	--	--

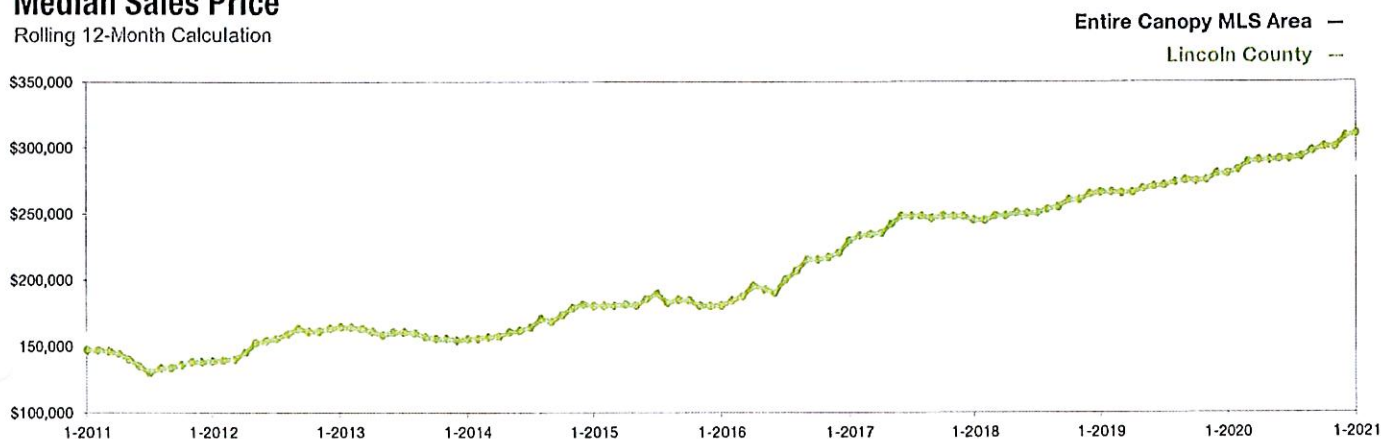
*Does not account for sale concessions and/or downpayment assistance. | Percent changes are calculated using rounded figures and can sometimes look extreme due to small sample size.

January



Median Sales Price

Rolling 12-Month Calculation



Local Market Update for January 2021

A RESEARCH TOOL PROVIDED BY THE CANOPY REALTOR® ASSOCIATION
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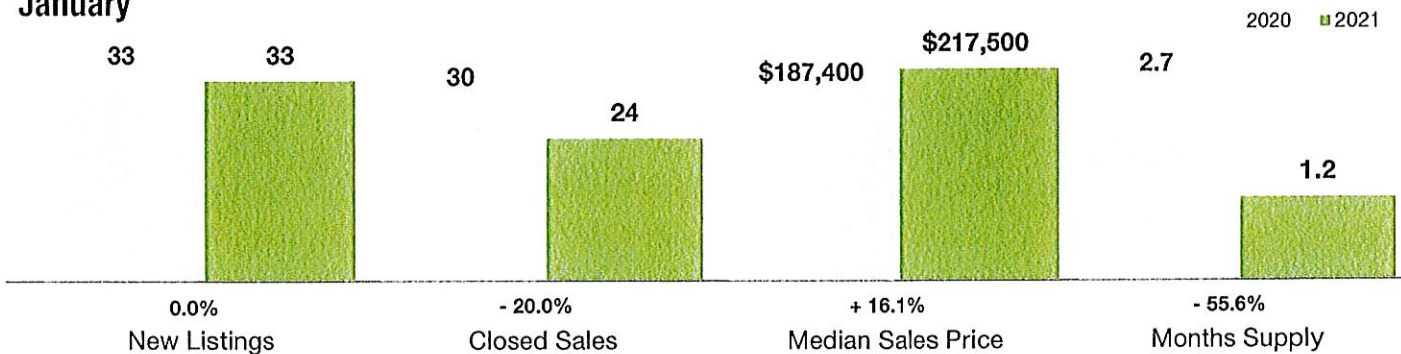
Lincolnton

North Carolina

Key Metrics	January			Year to Date		
	2020	2021	Percent Change	Thru 1-2020	Thru 1-2021	Percent Change
New Listings	33	33	0.0%	33	33	0.0%
Pending Sales	26	49	+ 88.5%	26	49	+ 88.5%
Closed Sales	30	24	- 20.0%	30	24	- 20.0%
Median Sales Price*	\$187,400	\$217,500	+ 16.1%	\$187,400	\$217,500	+ 16.1%
Average Sales Price*	\$188,167	\$234,116	+ 24.4%	\$188,167	\$234,116	+ 24.4%
Percent of Original List Price Received*	94.6%	97.1%	+ 2.6%	94.6%	97.1%	+ 2.6%
List to Close	116	85	- 26.7%	116	85	- 26.7%
Days on Market Until Sale	65	29	- 55.4%	65	29	- 55.4%
Cumulative Days on Market Until Sale	77	29	- 62.3%	77	29	- 62.3%
Average List Price	\$204,050	\$235,152	+ 15.2%	\$204,050	\$235,152	+ 15.2%
Inventory of Homes for Sale	91	46	- 49.5%	--	--	--
Months Supply of Inventory	2.7	1.2	- 55.6%	--	--	--

* Does not account for sale concessions and/or downpayment assistance. | Percent changes are calculated using rounded figures and can sometimes look extreme due to small sample size.

January



Median Sales Price

Rolling 12-Month Calculation

