

The Mayor and City Council met in regular session on Thursday, June 3, 2021 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley opened the meeting with a moment of silence then asked those in attendance to stand for the Pledge of Allegiance.

Mayor Hatley requested to add item 5D, Discussion regarding Code Enforcement, to the REGULAR AGENDA. Councilwoman Poinsette made a motion to approve the *REGULAR AGENDA* with the addition of Item 5D. Members voted 4-0 in favor of the motion.

Councilman Eaddy made a motion to approve the *CONSENT AGENDA* as follow:

- Approval of Minutes for the May 6, 2021 meeting
- Retirement Recognition for Ricky Frye effective July 1, 2021
(C-07-21)
- Contract between the City and Lincolnton Housing Authority for Community Policing

REGULAR AGENDA:

CZ-3-2021

APPLICATION FROM LINCOLN COUNTY REQUESTING A CONDITION DISTRICT REZONING FROM PLANNED BUSINESS (PB) DISTRICT TO THE GENERAL BUSINESS (CONDITIONAL DISTRICT) (GB-CD) FOR THE PURPOSE OF CONSTRUCTING AN EMERGENCY MEDICAL SERVICES OPERATIONS CENTER. THE SUBJECT PROPERTY IS LOCATED AT 151 SIGMON ROAD (Parcel ID 01285)

Laura Elam, Planning Director, reviewed the rezoning request. Mrs. Elam gave a detailed description of the site and area. She spoke to Staff Review Committee comments and Planning Board and Staff recommendations (the aforementioned information is attached and made an official part of these minutes). With no further discussion or questions from Council, 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 request as recommended by Planning Board. Members voted 4-0 in favor of the motion.

CZ-4-2021

APPLICATION FROM CAROLINA DEVELOPMENT SERVICES LLC REQUESTING THE CONDITIONAL DISTRICT REZONING OF 63.9 ACRES OF LAND FROM THE RESIDENTIAL-15 (R-15) DISTRICT TO THE RESIDENTIAL-8 CONDITIONAL DISTRICT (R-8 CD) FOR THE PURPOSE OF CONSTRUCTING A SIGNLE FAMILY RESIDENTIAL DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED WITHIN THE HUNTINGTON HILLS SUBDIVISION OFF HUNTINGTON HILLS DRIVE, OLD FARM ROAD, AND HUNTER OAKS LAND (Parcel ID 71879)

Mayor Ed Hatley opened the public hearing, recognizing Laura Elam, Planning Director, to speak to the item. Mrs. Elam gave an overview of the request, explaining the application to rezone approximately 63.90 acres from the Resdential-15 (R-15) district to the Residential-8 (R-8) district. She gave a detailed description of the property site and area, noting the current zoning map, an aerial view, city limits/ETJ boundary map and a flood map. Mrs. Elam presented the proposed site plan, stating that the driver behind the request, per the applicant, is a reduction in the lot width which will allow a reduction in lot size. She highlighted Staff Review Committee comments *(a copy of which are attached and made a permanent part of these minutes)* and the Land Use Plan considerations.

In summary, Mrs. Elam reported the Planning Boards recommendation being:

Approval of the request for rezoning from R-15 to R-8 (CD) subject to the following:

- o The commitments made by the applicant during the Planning Board hearing regarding use of similar architectural materials and the rear year "buffer areas" being made conditions of approval and
- o The staff review committee comments being made conditions of approval

Approval of the statement of consistency for approval of the rezoning request, and

The rezoning being effective upon receipt by the Zoning Administrator of written agreement from the applicant and property owner to abide by the conditions of approval.

Mr. Ian Anderson, a Landscape Architect and Land Planner with Merrick & Company, addressed Council on behalf of Carolina Development Services. Mr. Anderson gave a power point presentation, detailing the proposed project and confirmed that lot width is the reason for the rezoning request. Mr. Anderson noted that although R-8 zoning does allow two family homes, the company's intentions are to build single family detached homes. He also presented a comparison between the 1996 Plan and the Concept Plan, gave a detailed explanation of the Concept Plan and displayed a diagram of the proposed lot configuration. *(a copy of which are attached and made a permanent part of these minutes).*

There were a number of questions, comments and concerns shared by council members regarding the request for both Mr. Anderson and Planning Director Laura Elam. Multiple Huntington Hills homeowners were present to show their opposition to the requested rezoning. Mr. Michael Isaacs, Mr. Tom Flohr, Mr. Ben Laiweneek, and Mrs. Lisa Sellers, all voiced their concerns to Council members.

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 DENY the request for a zoning change. (although not required, Councilwomen Christine Poinsette seconded the motion) Members voted 4-0 in favor of the motion.

Councilman Jetton made a motion to APPROVE the statement of consistency for denial of request. Members voted 4-0 in favor of the motion.

Consistency and Reasonableness Statement for denial is as follows:

The land use plan includes the property in the Traditional Single Family planning area consisting of single family uses on smaller to medium sized lots in older established portions of the community. The Land Use Plan also include the following recommendation:

- 1. Protect the integrity and viability of the City's established residential neighborhoods**
- 2. In established single family residential neighborhoods outside of "Old Lincolnton," continue to promote single family development that complements existing development patterns.**

Since the proposed development is not continuing the existing development pattern, it is not entirely consistent with the land use plan and denial of the proposed amendment is reasonable and in the public interest.

**CONSIDERATION OF A REQUEST FROM STAFF TO REVISE THE CITY'S
FAÇADE REHABILITATION GRANT PROGRAM**

Mrs. Laura Elam, Planning Director, presented a request to revise the City's Façade Rehabilitation Grant Program. Mrs. Elam explained staff's recent revisiting of the guidelines for the program. She also gave some brief history behind the program guidelines and the modifications that were made several years ago. As a result of the revisiting and recent conversation with the city manager, staff requested approval of the following changes:

1. Elimination of signs as an eligible expenditure *as staff does not view sign replacement as consistent with the intent of the program.*
2. Addition of a requirement for the applicant to submit two cost estimated for the work to be done. *Staff believes that having two cost estimates, rather than only one, will help to ensure that city funds are used wisely.*

(a copy of the aforementioned document is attached and made a permanent part of these minutes)

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

**DISCUSSION/UPDATE REGARDING THE FUTURE APARTMENTS ON PINE
STREET**

Mr. Craig Upshaw addressed Council requesting an amendment to the contract between the City and Piedmont Companies. Mr. Upshaw listed the changes are follows:

- **Change the number of residential multifamily units from eleven (11) to eight (8).**
- **Allow Piedmont Companies to construct the site work, such as driveways, water, sewer and building pads**

- Subdivide the property into eight lots for the townhomes and a common area lot
- Once all of these are completed, sell the completed pads to Madison Simmons Homes. Madison Simmons Homes will construct the same townhomes as are being built on the Aspen/Pine Street property on the Memorial Hall property.
- Madison Simmons Homes wishes to purchase the Memorial Hall lots in August.

Mr. Upshaw presented a site plan showing the proposed layout of the property *(a copy of the aforementioned document is attached and made a permanent part of these minutes)*. Some discussion was generated regarding this request. Councilman Eaddy expressed his concern with reducing the number of units as he feels this detracts from the original goal of getting people downtown. He also questioned the style of the units being different than presented in the original renderings. Mr. Upshaw addressed both concerns. He stated that the units will be brick and he offered to ask for a change in the color of brick in an attempt to match the Memorial Hall. He also explained why the change in design was necessary.

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

O-07-21

PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED 2021-2022 FISCAL YEAR BUDGET FOR THE CITY OF LINCOLNTON - TOTAL PROPOSED BUDGET IS \$29,961,457

Mayor Ed Hatley opened the Public Hearing and recognized City Manager Ritchie Haynes to speak to the item. Mr. Haynes began, reminding council that three (3) separate actions will need to be taken. He informed that the proposed budget included no tax increase and no increase in utility rates, however the Group A (public safety) pay study is included. Total proposed budget of \$29,961,457 was presented for approval. Mr. Haynes pointed out two things that have been added that were not a part of the original budget presented to Council. A position previously eliminated in the Utility Billing department has been added back into the schedule of budgeted positions, and a change to the Budget Ordinance allowing funds to be moved between departments within a fund. *The aforementioned document is attached and made an official part of these minutes.*

Councilwoman Poinsette made a motion to close the Public Hearing. Members voted 4-0 in favor of the motion.

Councilwoman White made a motion to adopt the Budget Ordinance as presented. Members voted 4-0 in favor of the motion

Councilwoman Poinsette made a motion to adopt the 2021-2022 Schedule of Fees. Members voted 4-0 in favor of the motion.

Councilman Jetton made a motion to adopt (R-08-21) the 2021-2022 Salary Schedule/Schedule of Budgeted Positions. Members voted 4-0 in favor of the motion.

REQUEST TO ADDRESS COUNCIL AND STAFF REGARDING THE BENEFITS OF ELECTRICITIES, NCMPS#1 AND ATTENDANCE AT THE UPCOMING 2021 ELECTRICITIES ANNUAL MEETING

Mr. Steve Peeler, Chairman of the Board of Directors for Electricities, was granted the opportunity to address council members about Electricities and all of the benefits of being a member. Mr. Peeler briefly shared some statistical information, as well as background regarding the organization. Some discussion was generated regarding potential incentives. Mr. Peeler expressed his desire for council members to participate in all of the various activities/events sponsored by Electricities and the NC Power Agency #1, and to strongly encouraged members to attend the Electricities Annual Conference taking place August 16th - 18th in Hilton Head, South Carolina.

CONSIDERATION/APPROVAL OF TWO (2) PROPOSED ART PROJECTS PER THE CITY'S NEW ART ORDINANCE

Laura Morris, Community Relations Director, addressed Council to request approval of two public art projects, per the new review and approval process recently put into place. Ms. Morris began by presenting the compass rose artwork. She explained that the compass will be painted on the traffic triangles on the east and west side of the court house.

Councilwoman Poinsette made a motion to approve the Compass Rose artwork. Members voted 4-0 in favor of the request.

Ms. Morris also presented the Rivoli mural artwork for approval. This mural, she reminded, will be painted on the Water Street side of the new City of Lincoln Welcome Center. Ms. Morris gave a brief history regarding the project, detailing the steps taken in the process. She reported that the Steering Committee unanimously agreed with the revised version of the artwork being presented.

Councilwoman White made a motion to approve the Rivoli artwork for the side of the Welcome Center. Members voted 4-0 in favor of the motion.

DISCUSSION REGARDING COUNCILS OPPOSITION TO SB 349/HB401
("INCREASE HOUSING OPPORTUNITIES")

Mayor Ed Hatley briefly spoke to this item in an effort to make sure members understood councils opposition. Although the item was approved under the Consent Agenda at the May City Council Meeting, members were given the opportunity to discuss the opposition in detail. Councilwoman Poinsette expressed desire that the record reflect discussion among members regarding this item. She voiced her concern with the bill, noting that if approved, this bill would eliminate single family housing in the state of North Carolina. It was confirmed that a copy of the approved resolution was sent to the appropriate individuals. Councilman Eaddy commented on his issue with the legislature continuously overreaching, trying to make local decisions.

CODE ENFORCEMENT DISCUSSION

The floor was opened for discussion regarding item #5d - Code Enforcement - which was added to the agenda at the beginning of the meeting. Mayor Ed Hatley recognized T.J. Wilson, City Attorney, and Ritchie Haynes, City Manager, who spoke to some of the concerns raised by council members regarding multiple code violations and abandoned structures within the city. Mr. Wilson explained the slow process with moving forward due to the backlog in superior court, as well as his limited accessibility to the court room in recent months. He updated council on the status of several identified properties that have been taken care of and assured that he will continue to work on the others. Lots Discussion was generated among members, with all voicing their desire for action to be taken to resolve the issue.

Mr. Haynes updated Council, informing them that most of the abandoned structures on the top 25 list that was compiled several years ago, have been addressed. He also stated that he has spoken with the County Manager in hopes of scheduling a meeting with county staff to discuss the issue and formulate a game plan to deal with this problem. Lots discussion was generated. Councilman Eaddy voiced his concern with the concept of waiting for a complaint before the steps of enforcement begin and his sense

of the lack of progress being made now that Centralina Council of Governments are no longer being used. He expressed his opinion that staff should be more aggressive when enforcing the ordinances and guidelines that are in place.

In summary, Mr. Haynes stated that the plan of action is that he and city staff meet with the county manager and county staff and discuss the county's willingness to assist with enforcement with the abandoned structures ordinance, after which, he will report back to Council regarding the outcome. Mr. Haynes stated his intentions as being to put a plan of action together, then re-evaluate in January.

MANAGER'S REPORT/ACTIVITY UPDATE

City Manager Ritchie Haynes briefly updated members of council on the status of various project and activities taking place, and presented the following executive summary report.

June 2021 Council Meeting							
Executive Summary							
April 2021 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	10,344,292	95%	11,543,700	9,861,838	482,453
	Fund Balance	-	-	-	825,000	-	-
		10,911,910	10,344,292		12,368,700	9,861,838	482,453
	City Manager/Clerk	248,220	170,679		222,495	124,140	46,539
	Human Resources	317,020	246,742		262,720	182,202	64,540
	Finance	158,230	76,795		129,630	(20,656)	97,451
	General Expense	1,280,731	1,104,164		1,103,160	821,583	282,581
	General Debt Service	334,757	288,348		430,632	392,345	(103,997)
	Police	3,400,120	2,792,654		3,223,020	2,600,976	191,678
	Fire	2,234,100	2,527,981		2,364,700	1,936,264	591,718
	Public Works	45,660	40,339		43,010	(19,356)	59,695
	Street	829,825	654,121		1,329,225	675,818	(21,697)
	Equipment Services	211,770	192,357		122,970	84,674	107,683
	Solid Waste	692,375	549,308		908,855	784,931	(235,622)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	285,539		557,420	257,701	27,838
	Bus & Comm. Dev	123,200	112,468		423,200	117,514	(5,045)
	Recreation	1,038,663	778,901		1,247,663	978,305	(199,404)
	Expenses	11,411,910	9,820,396	86%	12,368,700	8,916,439	903,957
	Difference		523,896			945,400	(421,503)
Water & Sewer Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 61	Revenues	8,146,950	7,022,182	86%	7,146,949	6,545,925	476,256
	Fund Balance	-	-	-	3,725,010	-	-
		8,146,950	7,022,182		10,871,959	6,545,925	476,256
	Water Treatment	1,972,500	1,176,247		1,496,850	980,117	196,130
	Dist & Collection	2,032,900	1,655,576		3,652,160	2,843,288	(1,187,712)
	Wastewater	1,625,000	1,359,771		1,547,000	967,386	392,385
	W & S Intangibles	4,247,050	3,484,121		4,175,949	4,026,143	(542,022)
	Expenses	9,877,450	7,675,716	78%	10,871,959	8,816,935	(1,141,219)
	Difference		(653,534)			(2,271,010)	1,617,476
Electric Fund		Budget 20-21	Actual 20-21	% of Budget	Budget 19-20	Actual 19-20	Difference
Fund 63	Revenues	7,788,350	7,799,284	100%	7,937,102	6,529,434	1,269,849
	Fund Balance	-	-	-	2,330,000	-	-
		7,788,350	7,799,284		10,267,102	6,529,434	1,269,849
	Electric Dept.	8,696,830	6,511,562		10,267,102	6,622,162	(110,599)
	Expenses	8,696,830	6,511,562	75%	10,267,102	6,622,162	(110,599)
	Difference		1,287,721			(92,727)	1,380,449
Overtime	80+ hours		481,238			447,317	33,921

PUBLIC COMMENT

No one requested to speak during the Public Comment portion of the meeting.

NEWS MEDIA

There were no question from News Media

ADJOURNMENT:

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

DAPHNE INGRAM, CITY CLERK

ED HATLEY, MAYOR

CONDITIONAL ZONING

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Any major modification or change in use would require approval by the City Council through a public hearing process.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. A maximum of 74% of the site can be impervious surface based on a variance being issued by the Board of Adjustment (If the variance is not granted the maximum is 70%),. Detailed calculations must be given prior to development.
2. A sidewalk constructed to City of Lincolnton specifications must be constructed along the entire frontage along North Generals Blvd and Sigmon Road.(This is shown on the site plan)
3. Coordinate all utilities through the City of Lincolnton utilities department.
4. Coordinate electrical locations with the City of Lincolnton Electrical Department.
5. The City Fire Inspector will need to review and approve all plans prior to development.
6. NCDOT driveway permit required for both Sigmon Road and North Generals Blvd. North Generals Blvd. is a partial controlled access route. All necessary permits must be obtained prior to development. If access is not granted on North Generals Blvd. Site plan will need to be updated.
7. Erosion control plans must be submitted and approved by the North Carolina Department of Environmental Quality.
8. Building plans must be submitted and approved by Lincoln County Inspection prior to development.

LAND USE PLAN

The Land Use Plan shows the property in the Planned Business Planning area. The Land Use Plan notes Planned Business Planning Areas encompass most commercial areas along the City's major corridors. New developments are recommended to be compact in nature with buildings oriented towards abutting public roads and with pedestrian accessibility both leading to and within the site being of high importance. The proposed rezoning to the conditional General Business (GB-CD) District would comply with the land use plan in staff's opinion.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following actions:

- approval of the request for rezoning from PB to the General Business Conditional District (GB-CD) subject to the staff review committee comments being made conditions of approval,
- approval of the statement of consistency for approval of the rezoning request, and
- the rezoning being effective upon receipt by the Zoning Administrator of written agreement from the applicant and property owner to abide by the conditions of approval.

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: CZ-4-2021 – Application from Carolina Development Services, LLC requesting the rezoning of approximately 63.9 acres from R-15 to R-8 (CD)

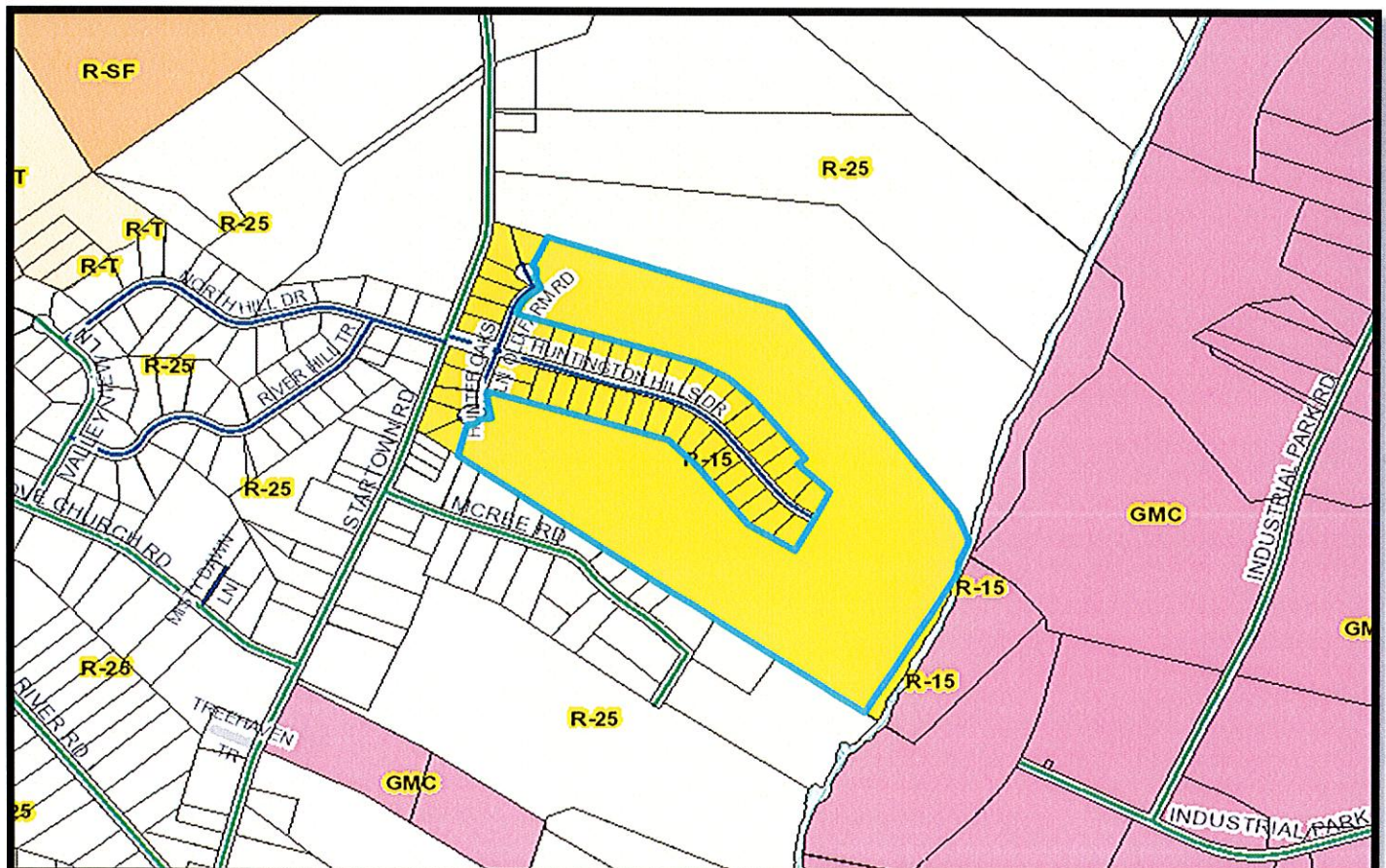
DATE: June 3, 2021

SITE AND AREA DESCRIPTION

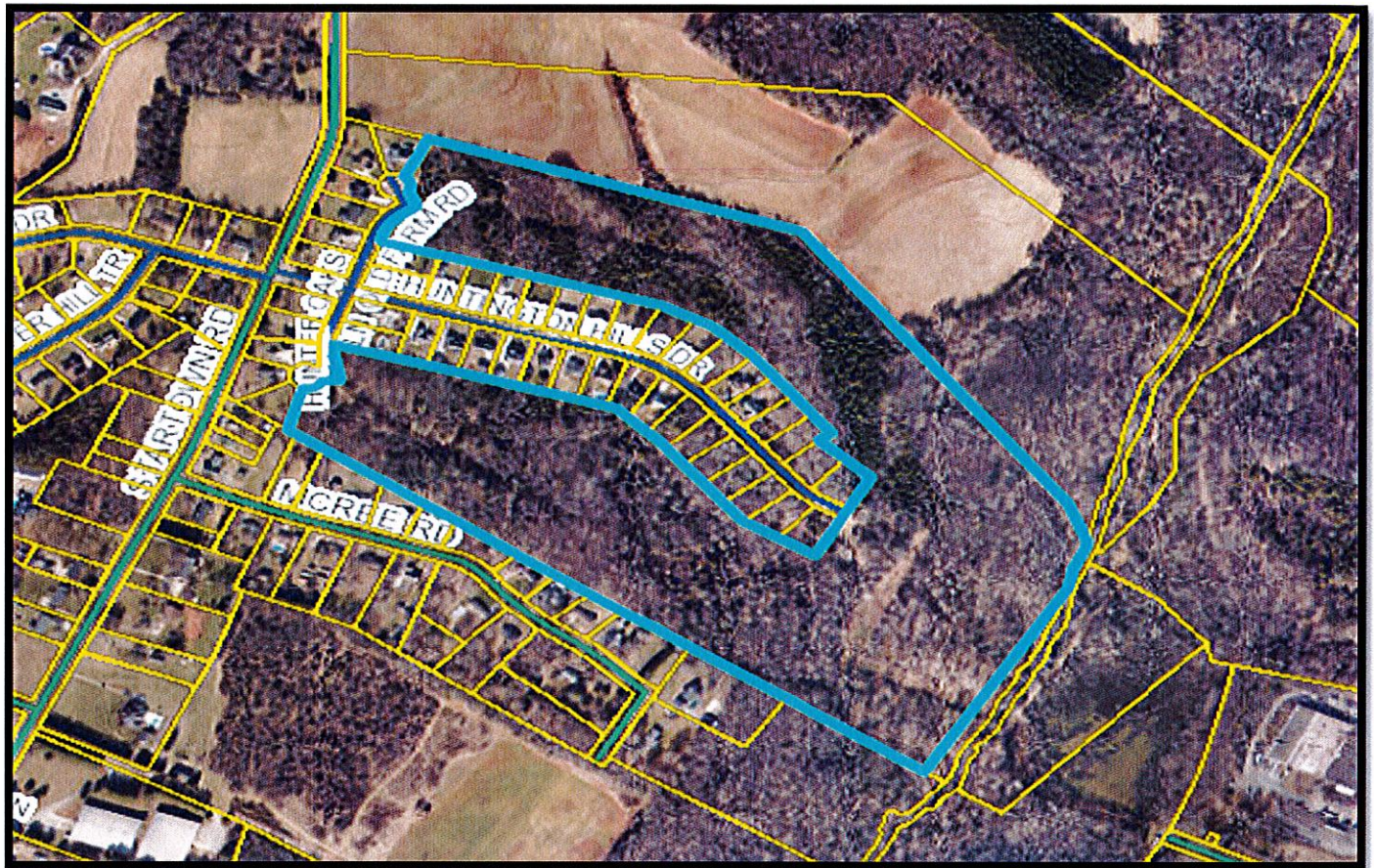
The applicant is requesting the rezoning of approximately 63.90 acres from the Residential-15 (R-15) district to the Residential-8 (R-8(CD) district. The subject property is located within the Huntington Hills Subdivision off Huntington Hills Drive, Old Farm Road, and Hunter Oaks Lane (Parcel ID 71879).

The subject property is vacant. Adjoining land uses in the area include a mixture of single family residential and vacant properties. Further to the east, properties are zoned GMC and include a mixture of industrial uses and vacant properties.

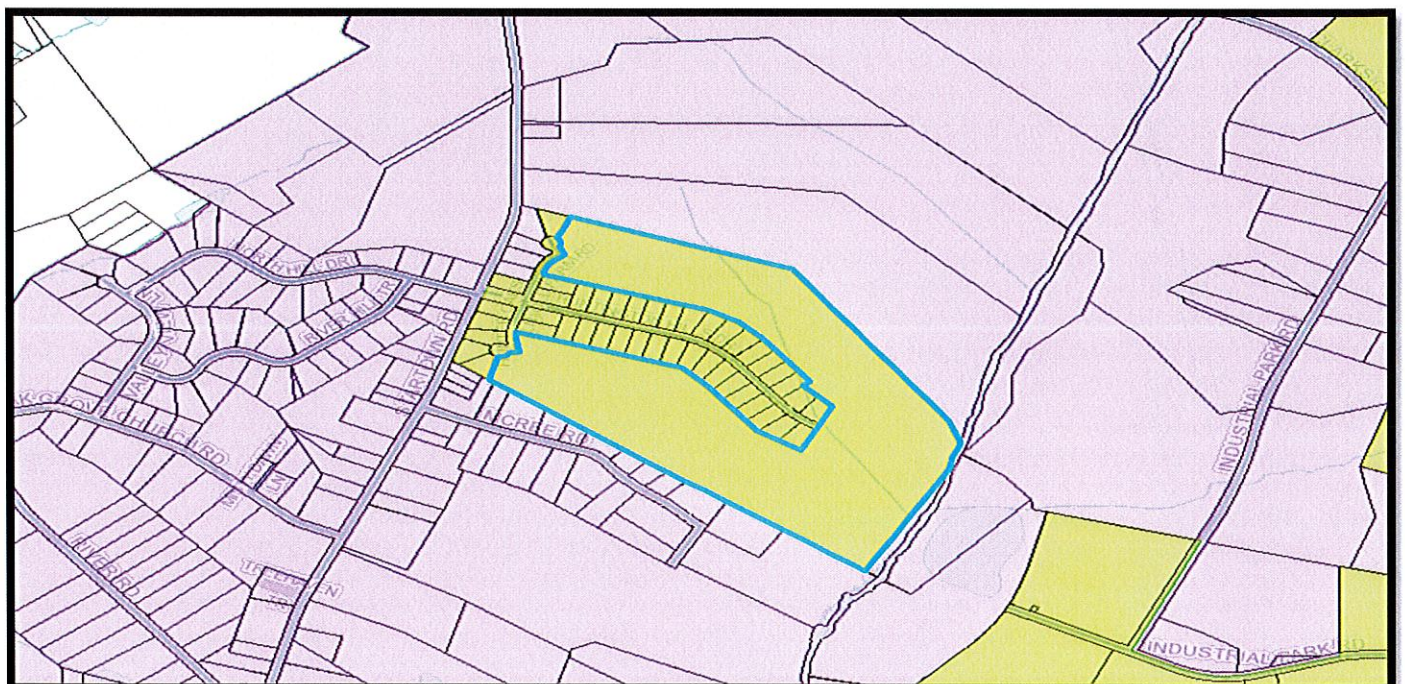
CURRENT ZONING MAP



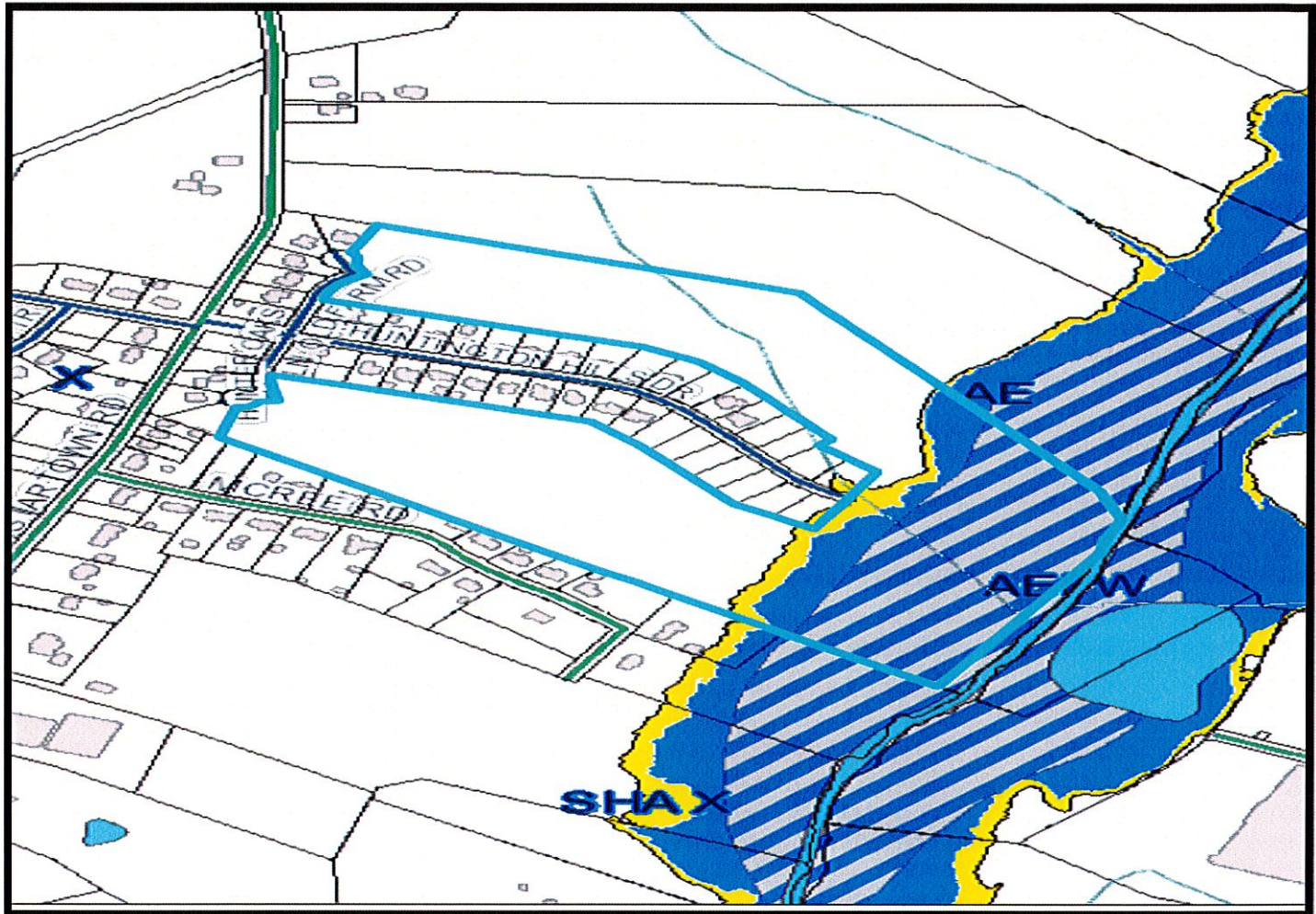
AERIAL VIEW



CITY LIMITS/ETJ BOUNDARY MAP

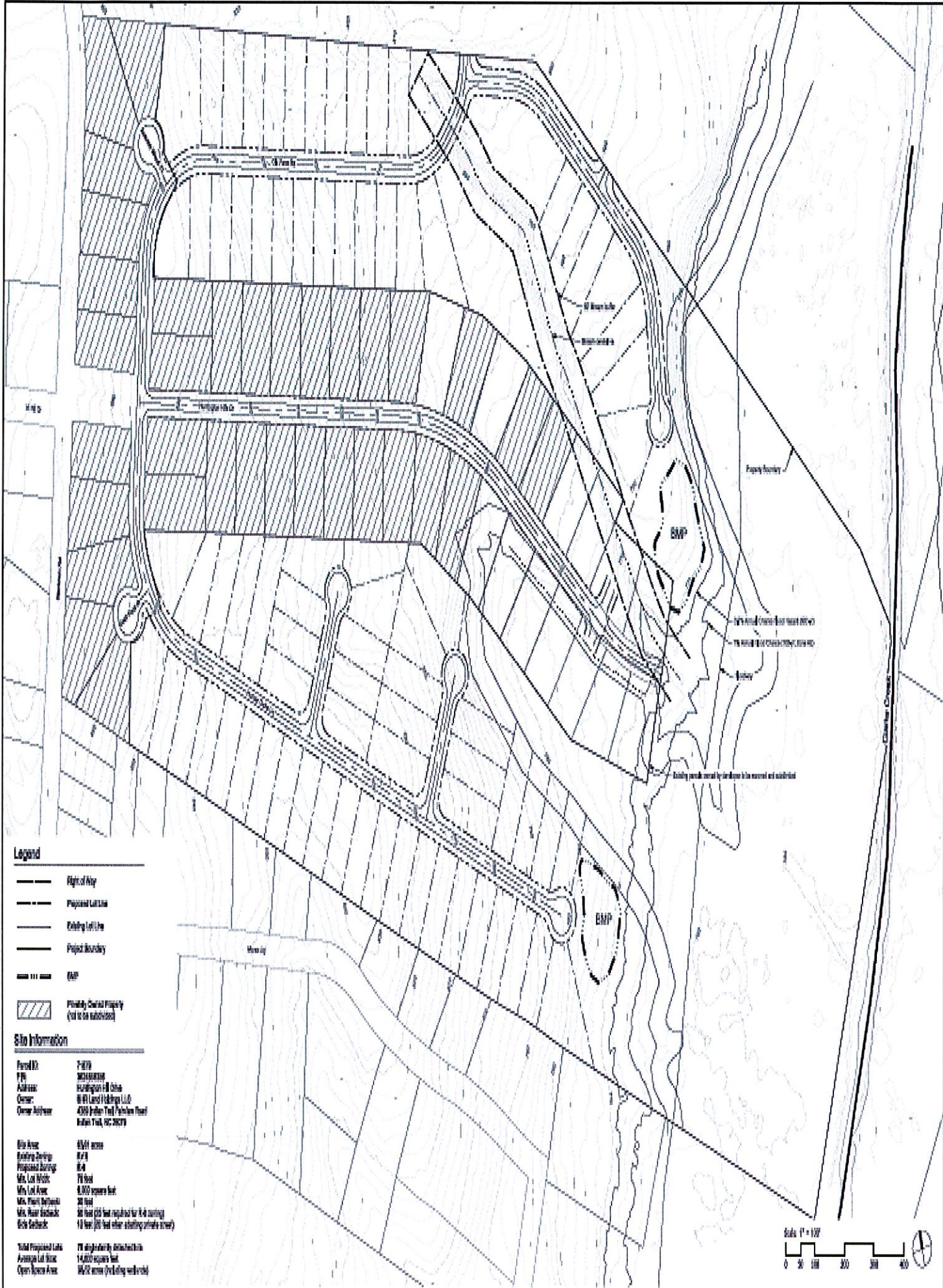


FLOOD MAP



SITE PLAN

- The proposed development consists of 79 single family detached homes.
- Access is provided through extensions of Old Farm Road and Hunter Oaks Lane.
- The minimum lot width is 70 feet.
- The minimum lot size is 6,000 square feet.
- The average lot size is 14,000 square feet.
- The open space area includes 38.5 acres including wetlands and floodway.
- In some locations, the proposed layout creates new lots that are relatively consistent with existing developed lots. In other locations, the proposed new lots are roughly 2/3rds the width of existing lots.
- The applicant's site plan is below:

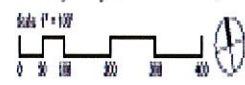


Legend

- Right of Way
- Proposed Lot Line
- Existing Lot Line
- Project Boundary
- BMP
- Privately Owned Property (not to be subdivided)

Site Information

Parcel ID:	7-0770
PPN:	3024000000
Address:	Huntington Hills Drive
Owner:	88 W. Land Holdings LLC
Owner Address:	4300 Indian Trail Parkway West Indian Trail, NC 28079
Site Area:	65.61 acres
Existing Zoning:	R-7
Proposed Zoning:	R-4
Min. Lot Width:	75 feet
Min. Lot Area:	6,000 square feet
Min. Front Setback:	20 feet
Min. Rear Setback:	20 feet (25 feet required for R-4 zoning)
Side Setback:	10 feet (25 feet when abutting private street)
Total Proposed Lots:	75 single-family detached lots
Average Lot Size:	14,000 square feet
Open Space Area:	66.52 acres (including wetlands)



MERRICK

TrueHomes

Huntington Hills
Lincoln, NC

Sketch Plan

DATE: 10/15/2024
DRAWN BY: J. B. MERRICK
CHECKED BY: J. B. MERRICK
SCALE: 1" = 100'

APP. NO. 2024-00000000
SUBJECT: HUNTINGTON HILLS DRIVE
SHEET NO. 1

CONDITIONAL ZONING

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Any major modification or change in use would require approval by the City Council through a public hearing process.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. Major subdivision approval required.
2. The City Fire Marshal will need to review and approve all plans prior to issuance of building permits. The development will need to have a secondary access point or the new houses will need to include sprinkler systems.
3. Erosion control plans must be submitted to and approved by Lincoln County Soil and Erosion prior to development. Requirements include 25 year storm basins, 100 foot construction entrance, and double row silt fence with hog wire along waterways.
4. NCDOT driveway permit required. A right deceleration lane would be warranted.
5. The applicant will need to coordinate utilities with City Public Works Department.
6. The proposed new lot on Old Farm Road across from Autumn Wood Court is configured in such a way that the back of the house could be oriented to the front of the existing house on the abutting lot to the south. That proposed lot should be reconfigured to be generally consistent with the existing lots.
7. Any newly constructed house on the proposed lot located on the south side of Hunter Oaks Lane at Quail Field Place should be oriented to Quail Field Place rather than Hunter Oaks Lane so that its rear is not oriented to the front of any future home to be built on the abutting vacant lot to the west.
8. Any newly constructed house on the proposed lot located on the north side of Old Farm Road at Autumn Wood Court should be oriented to Autumn Wood Court rather than Old Farm Road so that its rear is not oriented to the front of the existing home on the abutting lot to the west.
9. The size, scale, architectural materials and architectural treatment of houses within the proposed development should be consistent with currently existing homes located in Huntington Hills.
10. Accessory buildings should not be located in front of the principal structure.

LAND USE PLAN

The Land Use Plan includes the property in the Traditional Single Family planning area consisting of single family uses on smaller to medium sized lots in older established portions of the community.

The Land Use Plan also includes the following recommendations:

- Protect the integrity and viability of the City's established residential neighborhoods.
- In established single family residential neighborhoods outside of "Old Lincolnton," continue to promote single family development that complements existing development patterns.

STAFF RECOMMENDATION

While the proposed lot layout creates several areas with new lots that are relatively consistent with existing developed lots, it also creates areas with new lots that are roughly 2/3rds the width of existing lots. In some instances, it appears that newly constructed houses could be oriented so that their back orients to the front of an existing home.

Therefore, staff is not able to confirm that the proposed development is consistent with the Land Use Plan's recommendations regarding

- 1) protection of the integrity and viability of established neighborhoods and
- 2) continuation of single family development that complements existing development patterns.

In the event Planning Board views the proposed development favorably and recommends its approval, staff suggests the staff review committee comments be made conditions of approval.

PLANNING BOARD PUBLIC HEARING DISCUSSION

Staff noted the following:

- The case was tabled at last month's meeting in order to allow the applicant additional time to submit a conditional rezoning site plan.
- The proposed site plan allows for 79 single family homes on individual lots.
- The plan includes approximately 38 acres of open space that is primarily wetlands and floodplain that can't be developed.

- The Land Use Plan notes the area in the Traditional Single Family Planning Area consisting of smaller to medium sized lots in older established portions of the community.
- The Land Use Plan also includes the following recommendations:
 - Protect the integrity and viability of the City's established residential neighborhoods and
 - In established single family residential neighborhoods outside of "Old Lincolnton", continue to promote single family development that complements existing development patterns.
- The proposed lot layout creates some areas with new lots that are relatively consistent with existing developed lots.
- However, staff is concerned about the areas where newly created lots are going to be abutting existing single family homes on lots that were developed under the R-25 development standards. The existing lots are 100 feet in width as compared to the proposed new lots that would be 70 foot in width.
- Staff recommends that some attention be given to those areas to make sure that the new development is what the people who bought these homes would have anticipated on adjoining properties.
- Without that being adequately addressed, staff views the proposed development as not being complementary to the existing neighborhood.

The applicant's representative noted the following:

- The proposed development would be limited to single family lots. There would be no multi family development.
- The reason for the rezoning request is to be able to reduce the lot width and go to a 70 foot wide product.
- The original 1996 site plan contained a total of 139 lots, 37 of which have now been developed.

- What the 1996 site plan did not reflect is the wetlands on the site. So that means that you have to scale it back because you can't build the roads and lots where the 1996 plan had them.
- Our proposed plan includes 79 lots. With the 37 existing developed lots, that is a total of 116 lots, 23 less than originally intended.
- The 1996 plan included a lot more lots in the area close to Clarks Creek than is possible due to wetlands and floodplain.
- We are looking for the 70 foot lot width associated with the R-8 district. We still want to provide the same lot depth. Since half the site is developed, we would be putting in 200 foot deep lots anyway.
- One thing we did hear from the community was the need for buffering where the backs of our lots meet the backs of existing lots and also including the corner side lots that staff mentioned. We agree with that. Where the minimum rear yard setback is 25 feet, we would provide a 50 foot rear yard setback.
- The applicant's representative presented an exhibit showing buffer areas in rear yards and stated the buffer areas are to make sure we can do our best to preserve existing vegetation and limit buildings from being located in those areas.
(See attached exhibit labeled "Concept Plan" The Concept Plan delineates in red the proposed "buffer areas" in rear yards.)
- In terms of average lot size, the 1996 plan contemplated 100 foot x 200 foot lots which are 20,000 square foot lots.
- The way our lot configuration works is we are averaging 14,000 square feet lots. The smallest lot is a little over 11,000 square feet which is essentially double the minimum allowed under R-8. We are not trying to shoehorn in small lots. We want to be compatible. We just want to adjust that lot width a bit.
- We think overall on lot size and looking at architectural character, that we can be compatible in that manner.
- The applicant's representative presented an exhibit showing the building envelope of a typical lot with a 70 foot lot width, an average 200 foot lot depth, 10 foot side yard setbacks, 30 foot front yard setback and 50 foot rear yard setback.
(See attached exhibit labeled "Lot Configuration").

- The environmental issues on the site include a main tributary and Clarks Creeks. It's the tributary drainageway that torpedoes the 1996 plan and that's what we're designing around. There is also the 100 year floodplain and the wetlands delineation area and its significant, particularly on the south side of Huntington Hills Road where it reaches back into the site.
- The applicant's representative referred to the concept plan exhibit showing rear yard "buffer areas" and stated that anywhere the back of one of our lots abuts the back of another lot we want to do this double setback. On the cul-de-sac lots, we recognize that it does get tricky. You can't really offset that because it starts to eat into the building pad. But we want to look at lot orientation on these corners. We have talked internally about some ways to turn those lots to try to address some of staff concerns about building orientation and which way they're facing.

A Board member asked how the buffer would work.

- The applicant's representative responded that the increased rear yard area is about tree preservation. It is trying to maintain existing vegetation that isn't in the immediate building envelope area. It gets down to grading and the road profile.

A Board member asked who owns the buffer area. If a tree falls, who is responsible?

- The applicant's representative responded that the buffer is actually contained within the new lots that we're proposing so it's a setback.

A Board member asked since the buffer is in the property owner's lot, if they wanted to get rid of the buffer, could they?

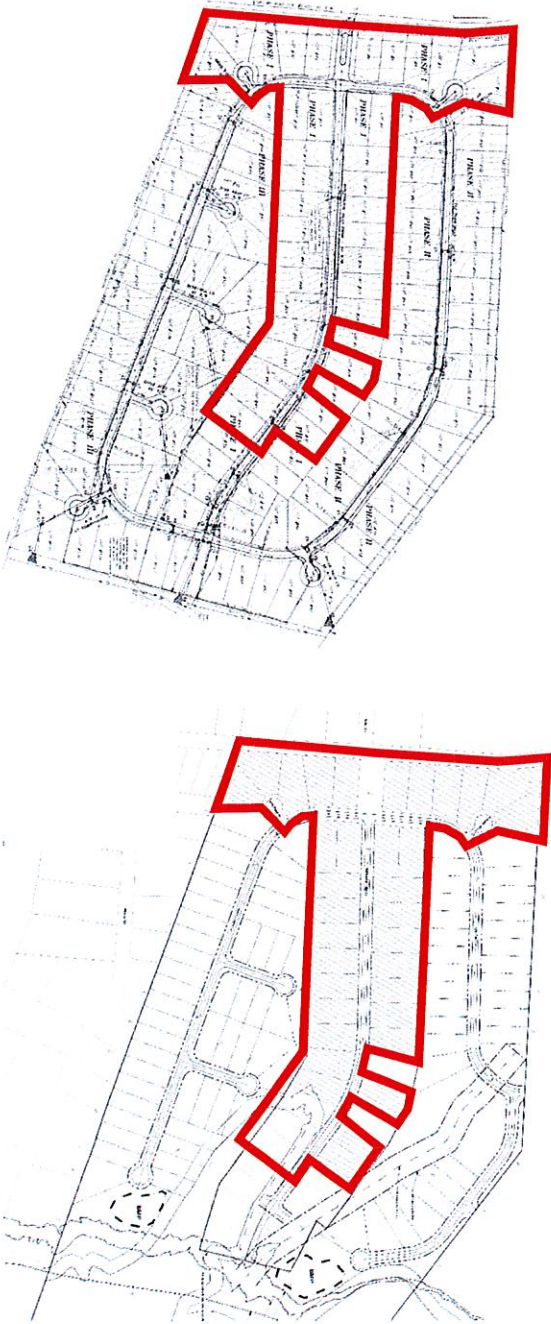
- The applicant's representative responded that technically, if the new owner wanted to take down every tree, they could. They could not build in that area, but it is their private property and they could landscape it as they see fit.
- The applicant's representative stated that they would put a requirement on the site plan that the buffer is not to be disturbed. If disturbed, then the owner would have to replant.
- The applicant's representative said they could stipulate a minimum caliper size that cannot be removed and if removed, then the owner would have to plant back equal caliper inches.

PLANNING BOARD RECOMMENDATION

The Planning Board recommends the following actions:

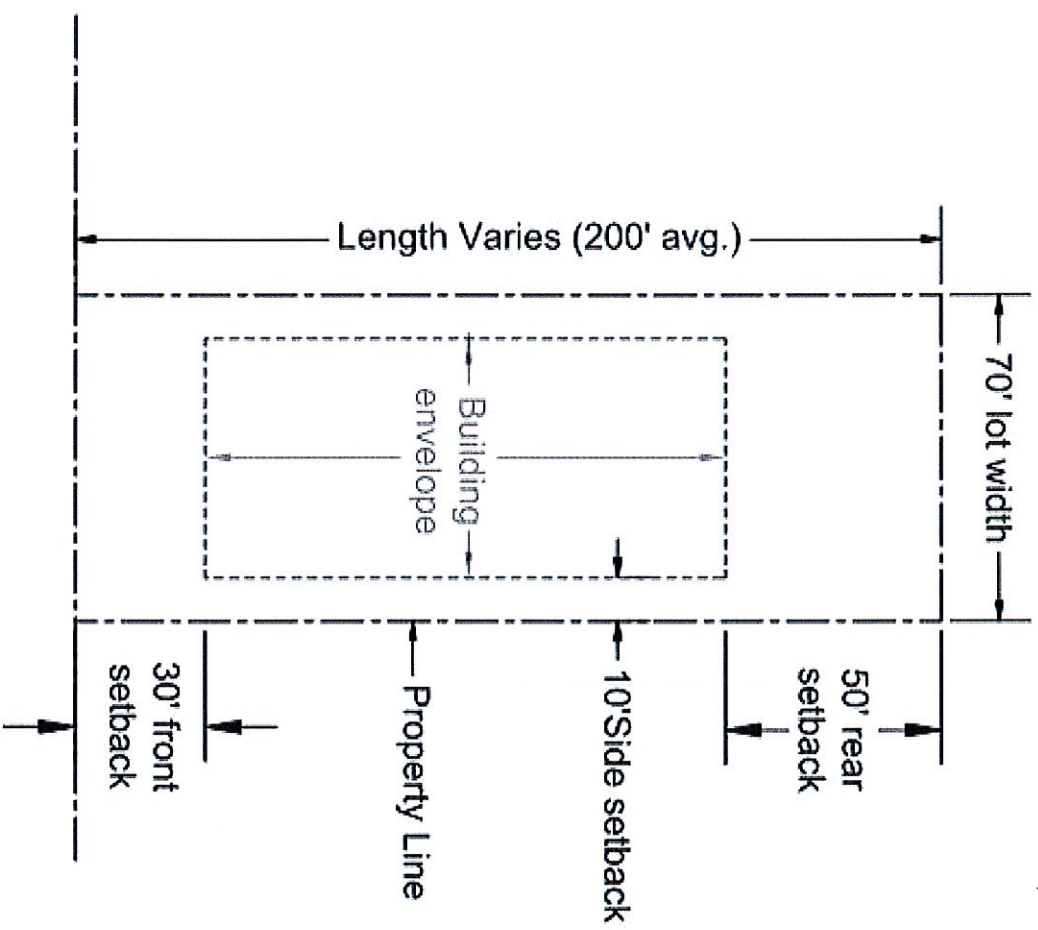
- approval of the request for rezoning from R-15 to R-8(CD) subject to the following:
 - the commitments made by the applicant during the Planning Board hearing regarding use of similar architectural materials and the rear yard “buffer areas” being made conditions of approval and
 - the staff review committee comments being made conditions of approval.
- approval of the statement of consistency for approval of the rezoning request, and
- the rezoning being effective upon receipt by the Zoning Administrator of written agreement from the applicant and property owner to abide by the conditions of approval.

Plan Comparison



	1996 Plan	Concept Plan
Total number of homes	139 single-family detached	116 single-family detached (+/-79 proposed + 37 existing)
Min. lot width	100' (min. 90' for R-15 zoning)	70' (min. 70' for conditional zoning)
Avg. lot depth	200'	200'
Rear setbacks	25'	50' (min. 25' required)
Side setbacks	10'	10'
Avg. lot size	20,000 SF (min. 15,000 for R-15 zoning)	14,000 SF (min. 11,000 SF lot size provided)

Lot Configuration



MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Consideration of request from staff to revise Facade Rehabilitation Grant Program

DATE: June 3, 2021

BACKGROUND

The City's Façade Rehabilitation Grant Program is designed to provide an incentive to downtown property owners who improve the appearance of their property by retaining and preserving the historic character of the property. The guidelines for the program state it "encourages further private investment in existing infrastructure and promotes appropriate and attractive design projects that preserve the architectural character found only in older buildings."

The grant program provides up to 50% of the total cost of approved projects with a \$2500 maximum.

CURRENT FACADE REHABILITATION PROGRAM GUIDELINES

The current facade rehabilitation program guidelines include the following provisions:

- Signs are an eligible expenditure under the program.
- Applicants are required to submit a cost estimate of the proposed work to be done.

PROPOSED CHANGES

Staff recommends the following changes to the program:

1. Elimination of signs as an eligible expenditure.

Staff does not view sign replacement as consistent with the intent of the program.

2. A requirement for the applicant to submit two cost estimates for the work to be done.

Staff believes that having two cost estimates, rather than only one, will help to ensure that city funds are used wisely.

REQUESTED ACTION

Approval of the proposed attached changes to the City's Façade Rehabilitation Grant Program.



May 13, 2021

Mr. Ritchie Haynes
City Manager
City of Lincolnton, North Carolina

Mr. Haynes:

The Piedmont Companies would like to amend the contract between the City of Lincolnton and Piedmont Companies. The changes requested are:

- Change the number of residential multifamily units from eleven (11) to eight(8).
- Allow Piedmont Companies to construct the site work, such as driveways, water, sewer and building pads.
- Subdivide the property into eight lots for the townhomes and a common area lot.
- Once all of these are completed, sell the completed pads to Madison Simmons Homes. Madison Simmons Homes will construct the same townhomes as are being built on the Aspen/Pine Street property on the Memorial Hall property.
- Madison Simmons Homes wishes to purchase the Memorial Hall lots in August.

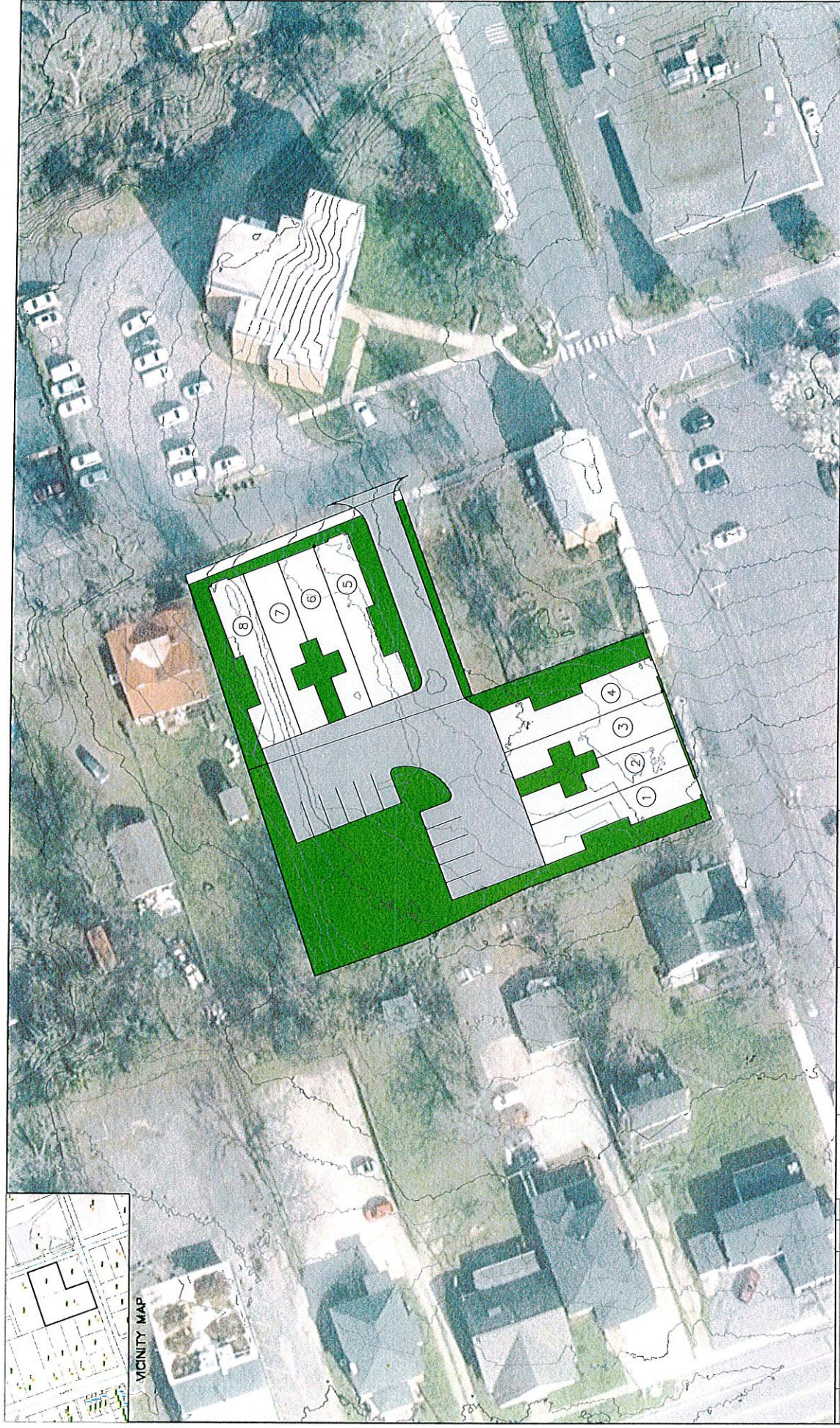
Attached to this letter is a site plan that shows the proposed layout of the property. Also attached are the June 2, 2016 contract between the City of Lincolnton and Piedmont Companies and the First Amendment to the contract executed on June 6, 2019.

Thank you for considering these changes.

Kindest regards,

A handwritten signature in blue ink that reads 'Craig L. Upshaw'.

Craig L. Upshaw
Commercial Developer



DATE: January 21, 2020 JOB NO.: 200-041 DRAWING NO.: 200-041A SHEET: C1		SKETCH PLAN	
WRIGHT & ASSOCIATES ARCHITECTS & LANDSCAPERS 200 1ST AVE SOUTH CONOVER, NC 28613 (888) 465-2205 OFFICE		FOR Memorial Hall Piedmont Companies, Inc. P.O. Box 2732 Lincoln, NC 28092 LINCOLN COUNTY NORTH CAROLINA	
VICINITY MAP		SCALE: 1" = 20' 0 10 20 30 40	
DESIGNED: _____ DRAWN: _____ CHECKED: _____ PROJECT MANAGER: _____	DATE: _____ REVISIONS: _____		

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



CITY COUNCIL
 Richard Haynes
rhaynes@lincolntonnc.org
CITY CLERK
 Daphne Ingram
d Ingram@lincolntonnc.org
CITY ATTORNEY
 Thomas J. Wilson, Jr.

BUDGET ORDINANCE

AN ORDINANCE ESTABLISHING REVENUES AND AUTHORIZING EXPENDITURES FOR
 FISCAL YEAR 2021-2022 FOR THE CITY OF LINCOLNTON

BE IT ORDAINED by the Mayor and City Council of the City of Lincolnton:

SECTION 1. The following amounts are hereby appropriated in the General Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022 in accordance with the chart of accounts heretofore established for this City:

City Manager/Clerk	\$ 173,960
Human Resources	334,015
Finance	135,270
General Expense	1,449,895
General Debt Service	293,924
Police	3,350,520
Fire	2,214,200
Public Works	44,580
Street	778,605
Equipment Services	223,290
Solid Waste	522,095
Planning/Zoning	330,440
Bus & Comm. Dev	123,200
Recreation	1,063,163
	<u>\$ 11,037,157</u>

SECTION 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

AD VALOREM LEVY	\$ 5,090,000
PRIOR YEAR TAXES	80,000
NC VEHICLE TAX SYSTEM (NCVTS)	415,000
NCVTS-LICENSE FEE	150,000
DISCOUNT ON TAXES	(60,000)
INTEREST ON TAXES	25,000

LEASE/RENTAL VEHICLE TAX	20,000
LOCAL SALES & USE TAX	3,300,000
FEDERAL GRANTS-FEMA	62,000
PILOT-HOUSING AUTHORITY	22,470
CONTROLLED SUBSTANCE TAX	4,500
FIREFIGHTERS RELIEF FUND TAX	5,200
ALCOHOL/BEVERAGE TAX	44,000
FRANCHISE TAX	855,000
SOLID WASTE DISPOSAL TAX	6,000
PILOT-WATER & SEWER	389,222
PILOT-ELECTRIC	30,465
SRO REIMBURSEMENT	125,000
CEMETERY LOT SALES	20,000
OFFICERS FEES	3,000
PARKING VIOLATIONS	5,000
ZONING DEPARTMENT FEES	10,000
FIRE DEPARTMENT FEES	8,000
REC-ADMISSION & CONCESSION	40,000
REC-REGISTRATION & ENTRY FEES	65,000
REC-VENDING MACHINE INCOME	1,000
REC-RENTAL FEES	9,000
REC-EVENT FEE	3,000
REC-MISCELLANEOUS REVENUE	1,800
INTEREST-GENERAL FUND	30,000
SALE OF CAPITAL ASSETS- GF	10,000
MISCELLANEOUS REVENUE- GF	4,000
SALES OF PERSONAL ASSETS	2,500
ABC REVENUE	80,000
ABC LAW ENFORCEMENT	30,000
MISCELLANEOUS OTHER REVENUE	15,000
WEX-FUEL REBATES	3,000
JULY 4TH DONATIONS/OTHER	13,000
REIMB FROM POWELL BILL	120,000
APPROPRIATION FROM FUND BALANCE- GF	-
	<u>\$ 11,037,157</u>

SECTION 3.

The following amounts are hereby appropriated in the Boger City Fire District Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022 in accordance with the chart of accounts heretofore established for this City:

BOGER CITY TAX DISTRICT	<u>\$ 985,000</u>
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SECTION 4.

It is estimated that the following revenues will be available in the Boger City Fire District Tax Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

FIRE DISTRICT TAX	\$ 981,000
INVESTMENT INCOME	1,000
SALESTAX/GRANTS	3,000
FUND BALANCE APPROPRIATED	-
	<u>\$ 985,000</u>

SECTION 5. The following amounts are hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022 in accordance with the chart of accounts heretofore approved for the City:

POWELL BILL COSTRUCTION/OTHER	<u>\$ 305,000</u>
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SECTION 6. It is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

POWELL BILL ALLOCATION	\$ 304,000
INVESTMENT INCOME	1,000
FUND BALANCE APPROPRIATED	-
	<u>\$ 305,000</u>

SECTION 7. The following amounts are hereby appropriated in the Water and Sewer Fund for the operation of the water and sewer utilities for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore approved for the City:

WATER & SEWER FUND	<u>\$ 8,196,950</u>
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SECTION 8. It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

INVESTMENT INCOME	\$ 55,000
CONTRACTOR SALES TAX	\$ 4,000
CHARGES FOR SERVICE - WATER	3,610,000
CHARGES FOR SERVICE - SEWER	4,300,000
CONNECTION CHARGES	27,000
OTHER OPERATING REVENUES	200,950
OTHER FINANCING SOURCES	-
	<u>\$ 8,196,950</u>

SECTION 9. The following amounts are hereby appropriated in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore approved for the City:

ELECTRIC FUND	<u>\$ 7,797,350</u>
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SECTION 10. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

INVESTMENT INCOME	\$ 15,000
CONTRACTOR SALES TAX	\$ 2,000
ELECTRIC SALES	6,900,000
ELECTRIC MUNICIPAL OPERATIONS	550,000
OTHER OPERATING REVENUE	330,350
OTHER FINANCING SOURCES	-
	<u>\$ 7,797,350</u>

SECTION 11. The following amounts are hereby appropriated in the Special Revenue Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore approved for the City:

AMERICAN RESCUE PLAN ACT	<u>\$ 1,640,000</u>
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SECTION 12. It is estimated that the following revenues will be available in the Special Revenue Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

AMERICAN RESCUE PLAN ACT	\$ <u>1,640,000</u>
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SECTION 13. There is hereby levied a tax rate of fifty-six cents (\$.56) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2021 for the purpose of raising the revenue listed as "Property Taxes" in the general fund in Section 1 of this ordinance.

This rate is based on a total valuation of property for the purposes of taxation of \$ 988,359,527 and an estimated rate of collection of 98.37%.

There is hereby levied a municipal vehicle tax of \$20 per registered and tagged motorized vehicle resident in the city.

There is hereby levied a tax rate by the County of twelve and 1/2 cents (\$.1250) per one hundred (\$100) valuation of property as listed for taxes as of January 1, 2021 for the purpose of raising the revenue listed as "Boger City Fire District Taxes" in Section 3 of this ordinance.

SECTION 14.	Electric Rates	No Increase.
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SECTION 15.	Water & Sewer Rates	No Increase.
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SECTION 16. Appropriations are authorized by fund totals. The City Manager is authorized to reallocate fund 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 GROSS BUDGET	\$ <u>29,961,457</u>
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Adopted this 3rd day of June, 2021

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

City Council
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro Tem
Roby Jetton
Christine Poinsette
Mary Francis White



City Manager
Ritchie Haynes
RHaynes@LincolntonNC.org
CITY CLERK
Daphne Ingram
[dingram@LincolntonNC.org](mailto:d Ingram@LincolntonNC.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

MEMO

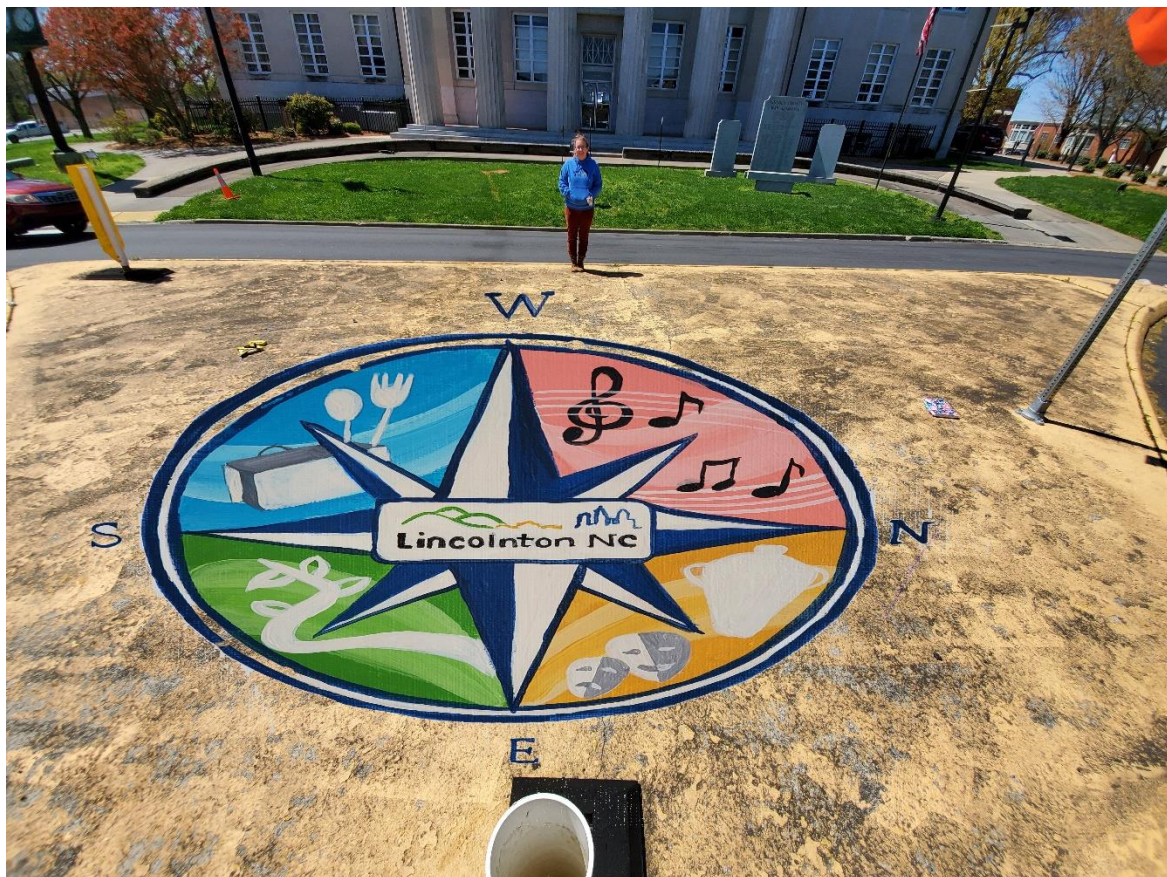
To: Ritchie Haynes
Fr: Laura Morris
Re: Public Art Requests
5/27/21

Ritchie,

We have completed the review and recommendation process with the City of Lincolnton Steering Committee for two projects proposed by the Lincolnton Tourism Development Authority:

1. Compass Rose artwork for the 2 traffic triangles located on the East & West sides of the Lincoln County Court House.
 - a. The Steering Committee unanimously approved the compass artwork presented by LTDA, which is attached for council review and final approval.
2. An art mural for the south/Water Street façade of the new Welcome Center.
 - a. The artwork reviewed by the Lincolnton Steering Committee is attached below.
 - b. The Steering Committee unanimously recommended the Rivoli Theatre artwork recommended by LTDA, which is #1, Rivoli with background.
 - c. There was lots of excited discussion about this new artwork including the input from Water Street merchants on their desire for a fun, whimsical, and colorful mural at the entrance to Water Street as we develop the vision for this community space.
 - d. The committee suggested reducing the number of people depicted in front the theatre and vintage vehicles, which LTDA agreed was a good idea.
 - e. Based on the feedback from LSC, we requested additional revisions to the Rivoli mural to eliminate the "family" of people in the center of the art. This artwork is also attached below.
 - f. There are two versions of the final mural artwork; one with the background and one without for council review and consideration.

Compass Rose Artwork



Rivoli Mural REVISIONS

#1 – Rivoli with background

