

A G E N D A

LINCOLNTON CITY COUNCIL



June 30, 2022

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON CITY COUNCIL
AGENDA
June 30, 2022
7:00 p.m.**

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. AGENDA APPROVALS

1a. Approval of REGULAR AGENDA

1b. 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.

- **Approval of Minutes for the June 2, 2022 Regular Meeting**
- **C-14-22 – Contract for Cruisin for A Cause 2022**
- **R-08-22 – Resolution Ratifying Updated Charter of Centralina**

2. RECOGNITION

2a. Designation of “North Carolina Certified Municipal Clerk” from the North Carolina Association of Municipal Clerks and the UNC School of Government

Ed Hatley, Mayor

3. PUBLIC HEARINGS

3a. CZ-2-2022 – Application from Century Communities requesting the rezoning of approximately 96.85 acres from Residential-25 (R-25) District to Planned Residential District (PRD) for the purpose of developing a community of 209 single family detached housing units. The subject property is located on the east side of Startown Road approximately 950 feet south of the intersection of Clarks Creek Road and Startown Road (Parcel ID 16937,21509,21507,21508 and 21510).

Jean Derby, Interim Planning Director

3b. CZ-5-2022 – Application from Edgewater Ventures requesting the conditional zoning of 30.33 acres from Planned Business-Special Highway Overlay (PB SHO) District to the General Manufacturing and Commercial (GMC-CD) District for the purpose of constructing a 352,500 square foot industrial building. The subject property is located on the west side of Car Farm Road approximately 600 feet south of the intersection of Car Farm Road and Maiden Highway (Parcel ID 00822)

Jean Derby, Interim Planning Director

3c. CZ-6-2022 – Application from Bobby and Kawna Colvard requesting the conditional zoning of 1.766 acres from Neighborhood Business (NB) District to General Business (GB-CD) for the purpose of constructing a mini storage facility. The subject property is located at the southwest corner of North Aspen Street and Industrial Park Road (Parcel ID 16111).

Jean Derby, Interim Planning Director

4. PUBLIC HEARINGS - continued

4a. ZMA-3-2022 – Application from Carolina Elite Builders requesting the rezoning of 0.136 acres of land from Planned Business (PB) District to Residential-8 (R-8) District. The subject property is located on the north side of East Pine Street approximately 100 feet east of the intersection of East Pine Street and Dr. Martin Luther King Jr. Drive (Parcel ID 51771)

Jean Derby, Interim Planning Director

4b. ZTA-1-2022 – Application from the City of Lincolnton requesting an amendment to Section 153.126 Transitional Infill Development (TID) to eliminate the current requirement for minimum lot size

Jean Derby, Interim Planning Director

5. REGULAR AGENDA

5a. P-11-2022 - Consideration/Approval of Policy (Electric Fund Transfer to the General Fund Policy) to document procedures regarding the transferring of funds from the Electric Fund into the General Fund and the Statutory basis for the transfer(s)

Pamela McBryde, Finance Director

5b. BA-05-2022 - Budget Amendment made to the Annual Budget Ordinance for the fiscal year ending June 30, 2022. Request to amend General Fund, Water & Sewer Fund and Special Revenue Fund.

6. OTHER BUSINESS

6a – Manager’s Report / Update

Ritchie Haynes, City Manager

PUBLIC COMMENT

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

NEWS MEDIA

ADJOURNMENT

ITEM #

1

AGENDA

APPROVALS

ITEM #

1a

APPROVAL

OF

REGULAR AGENDA

ITEM #

1b

APPROVAL

OF

CONSENT AGENDA

APPROVAL OF MINUTES

The Mayor and City Council met in regular session on Thursday, June 2, 2022 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 and led the Pledge of Allegiance. The following members were in attendance:

WHITE POINSETTE EADDY JETTON

Councilmember White made a motion to approve the Regular Agenda. Members voted 4-0 in favor of the motion.

Councilmember Eaddy made a motion to approve the *CONSENT AGENDA* items as follows:

- **Approval of Minutes from May 5, 2022 - Regular Meeting**

Members voted 4-0 in favor of the motion

PUBLIC HEARING

CZ-3-2022

APPLICATION FROM PIEDMONT COMPANIES, Inc. REQUESTING THE CONDITIONAL REZONING OF 4.783 ACRES OF LAND FROM THE PLANNED BUSINESS DISTRICT (PB) TO THE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD) FOR THE PURPOSE OF CONSTRUCTING 53 TOWNHOMES. THE SUBJECT PROPERTIES ARE LOCATED ON THE WEST SIDE OF NORTH GENERALS BLVD. DIRECTLY ACROSS FROM THE INTERSECTION OF TIMKEN DRIVE AND NORTH GENERALS BLVD. (Parcel ID 52992,80962, 21104 and 21105)

Mayor Ed Hatley opened the public hearing. Interim Planning Director Jean Derby reviewed the request before Council explaining the reason for the request is for the purpose of constructing 52 townhomes. Mrs. Derby presented detailed information regarding the property and the details of the request. The zoning map, aerial views and street views of the property were referenced. The Site plan was displayed, as well as front, rear, and side elevations of the proposed structures. Mrs. Derby reported that staff views the request as consistent with the Land Use Plan. She went over the staff review committee comments, as well as the recommendation from Planning Board.

In conclusion, Mrs. Derby reminded Council that approval would be for a conditional rezoning therefore the property can only be used for this use. Any major modification would have to come back to Council for approval.

Much discussion was generated among council members and staff, regarding questions related to access into the adjoining neighborhood, sidewalk and property lines. Mr. Willie Heafner, the applicant, was in attendance and answered questions specific to the project. Addressing Council members, Mr. Heafner gave some insight as to how this project evolved and the intent of his company in developing the property. He spoke to their desire to encapsulate the project so that changes will be minimal, as well as some of the amenities they wish to be able to offer a potential buyer. Mr. Heafner stated that the project would most likely be built in two phases.

A number of the property owners that live in the New Castle neighborhood area were in attendance and several voiced their concerns with the project and the negative impact it could have on their neighborhood. Those that spoke were as follows:

1. Tasha Williams
2. Michael Barber
3. Sally Shipp
4. Darwin Magness
5. Diane Lynch

Much discussion was generated as each speaker asked questions and stressed their concerns in terms of increased traffic and the fear that this project would change the culture of the existing New Castle neighborhood. Mr. Heafner responded to each of these questions.

In response to a question regarding a timeline for the project, Mr. Heafner estimated late this year or early next year before work would begin due to the amount of engineering work that will be required and the number of approvals involved.

With no one else wishing to speak, Councilmember Poinsette made a motion to close the public hearing. Members voted 4-0 in favor of the motion

Councilmember Eaddy made a motion to approve the development as recommended by the Planning Board. Motion passed 3 to 2. Councilmember Eaddy and Councilmember Poinsette voted in favor of the motion. Councilmember White and Councilmember Jetton voted against the motion. Mayor Ed Hatley broke the tie voting for the motion.

O-03-22

**PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED 2022-2023
FISCAL YEAR BUDGET (Presented the May 5,2022)**

**NOTE: After closing the public hearing, action on this item will include adoption of the
Budget Ordinance and adoption of the 2022-23 schedule of fees**

Mayor Ed Hatley opened the public hearing. City Manager Ritchie Haynes noted the need for action to be taken on both the Budget Ordinance and the Schedule of Fees. Mr. Haynes presented the proposed 2022-2023 Budget and offered to answer any question from Council or the public regarding what is being presented. Some discussion was generated surrounding the difference between the budget for the police department and the fire department. The Budget ordinance was presented as follows:

**AN ORDINANCE ESTABLISHING REVENUES AND AUTHORIZING EXPENDITURES FOR
FISCAL YEAR 2022-2023 FOR THE CITY OF LINCOLNTON**

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

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, 2022 and ending June 30, 2023 in accordance with the chart of accounts heretofore established for this City:

City Manager/Clerk	\$ 172,430
Human Resources	338,000
Finance	47,430
General Expense	1,433,202
General Debt Service	151,000
Police	3,820,170
Fire	2,510,380
Public Works	44,590
Street	893,750
Equipment Services	251,220
Solid Waste	906,125
IT General Services	178,125
Planning/Zoning	326,990
Bus & Comm. Dev	206,415
Recreation	979,860
	<u>\$ 12,259,687</u>

REGULAR MEETING - June 2, 2022

SECTION 2.

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

AD VALOREM LEVY	\$ 5,225,000
PRIOR YEAR TAXES	75,000
NC VEHICLE TAX SYSTEM (NCVTS)	480,000
NCVTS-LICENSE FEE	175,000
DISCOUNT ON TAXES	(65,000)
INTEREST ON TAXES	25,000
LEASE/RENTAL VEHICLE TAX	22,000
LOCAL SALES & USE TAX	4,000,000
PILOT-HOUSING AUTHORITY	35,000
CONTROLLED SUBSTANCE TAX	4,500
FIREFIGHTERS RELIEF FUND TAX	5,200
ALCOHOL/BEVERAGE TAX	44,000
FRANCHISE TAX	800,000
SOLID WASTE DISPOSAL TAX	6,000
PILOT-WATER & SEWER	389,222
PILOT-ELECTRIC	30,465
LEASE REVENUE-RESTAURANT	24,000
SRO REIMBURSEMENT	145,000
CEMETERY LOT SALES	25,000
OFFICERS FEES	3,000
PARKING VIOLATIONS	5,000
ZONING DEPARTMENT FEES	10,000
FIRE DEPARTMENT FEES	12,000
REC-ADMISSION & CONCESSION	35,000
REC-REGISTRATION & ENTRY FEES	65,000
REC-VENDING MACHINE INCOME	3,000
REC-RENTAL FEES	7,000
BC&D-EVENT FEE	2,000
REC-MISCELLANEOUS REVENUE	1,800
INTEREST-GENERAL FUND	30,000
SALE OF CAPITAL ASSETS- GF	10,000
MISCELLANEOUS REVENUE- GF	15,000
SALES OF PERSONAL ASSETS	2,500
ABC REVENUE	90,000
ABC LAW ENFORCEMENT	20,000
MISCELLANEOUS OTHER REVENUE	15,000
WEX-FUEL REBATES	3,000
JULY 4TH DONATIONS/OTHER	14,000
VETERANS BANNER PROJECT	1,000
LOAN PROCEEDS	350,000
REIMB FROM POWELL BILL	120,000
APPROPRIATION FROM FUND BALANCE- GF	-
	<u>\$ 12,259,687</u>

REGULAR MEETING - June 2, 2022

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, 2022 and ending June 30, 2023 in accordance with the chart of accounts heretofore established for this City:

BOGER CITY TAX DISTRICT	<u>\$ 1,036,000</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, 2022, and ending June 30, 2023:

FIRE DISTRICT TAX	\$ 1,010,000
INVESTMENT INCOME	1,000
GRANTS-OTHER	5,000
SALE OF CAPITAL ASSETS	20,000
FUND BALANCE APPROPRIATED	-
	<u>\$ 1,036,000</u>

SECTION 5. The following amounts are hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023 in accordance with the chart of accounts heretofore approved for the City:

POWELL BILL COSTRUCTION/OTHER	<u>\$ 326,000</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, 2022 and ending June 30, 2023:

POWELL BILL ALLOCATION	\$ 325,000
INVESTMENT INCOME	1,000
FUND BALANCE APPROPRIATED	-
	<u>\$ 326,000</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, 2022 and ending June 30, 2023, in accordance with the chart of accounts heretofore approved for the City:

WATER & SEWER FUND	<u>\$ 8,108,950</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, 2022 and ending June 30, 2023.

INVESTMENT INCOME	\$ 30,000
CONTRACTOR SALES TAX	\$ 2,000
CHARGES FOR SERVICE - WATER	3,510,000
CHARGES FOR SERVICE - SEWER	4,200,000
CONNECTION CHARGES	32,000
OTHER OPERATING REVENUES	194,950
OTHER FINANCING SOURCES	140,000
	<u>\$ 8,108,950</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, 2022 and ending June 30, 2023, in accordance with the chart of accounts heretofore approved for the City:

ELECTRIC FUND	<u>\$ 7,778,950</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, 2022 and ending June 30, 2023:

INVESTMENT INCOME	\$ 15,000
CONTRACTOR SALES TAX	\$ 2,000
ELECTRIC SALES	6,979,600
ELECTRIC MUNICIPAL OPERATIONS	550,000
OTHER OPERATING REVENUE	184,950
OTHER FINANCING SOURCES	47,400
	<u>\$ 7,778,950</u>

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, 2022 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 \$ 1,046,100,000 and an estimated rate of collection of 99.00%.

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, 2022 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 Finance Director to be kept on file by them for their direction in the disbursement of funds.

TOTAL GROSS BUDGET	\$ 29,509,587
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Adopted this 2nd day of June, 2022

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

Councilmember Poinsette made a motion to approve the Budget Ordinance (O-03-22). Members voted 4-0 in favor of the motion.

Councilmember White made a motion to approve the Fee Schedule as presented. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

P-09-22

REQUEST FROM LINCOLNTON PLANNING DEPARTMENT TO ADOPT THE AMENDED LAND USE PLAN TO COMPLY WITH RECENTLY ADOPTED STATE ENABLING LEGISLATION (Chapter 160D)

Interim Planning Director Jean Derby presented the amended Land Use Plan for Council approval. Mrs. Derby explained that in light of the recently adopted state enabling legislation, Chapter 160D), municipalities are required to adopt an amended Land Use Plan. She explained that the Land Use Plan is a tool to be used when regulating development. She also informed that the proposed plan is designed to be used through year 2030.

Councilmember Poinsette made a motion to approve the amended Land Use Plan. Members voted 4-0 in favor of the motion

CONSIDERATION/APPROVAL OF BIDS FOR WATER STREET PARKING LOT PROJECT

Business Services Director David Ramsey spoke to this item. Mr. Ramsey explained that the request for bids went a little over a month ago. He informed that one bid was received and is being presented. Mr. Ramsey noted that the bid actually came in lower than expected. Bid being presented is as follows:

Proposal
Deal Construction, Inc.
Grading Contractor

PO Box 578
Lincolnton NC 28093
Phone: 704-735-1957
Fax: 704-735-6549
Cell: 704-913-5576

Thomas H (Andy) Deal, President

NC License# 51750

Proposal Submitted to: City of Lincolnton
Job Name: West Water St Parking Lot
Job Location: Lincolnton NC

Date: 5/18/2022

We hereby submit specifications and estimates for:

Site Work:

Demolition, testing, pvc sleeves, erosion control, grading, sidewalks, curb & gutter,
paving, and surveying

\$ 170,000.00

*No landscaping included in quote

Rock: Time and material

Bad soil (undercut): Time and material

Repair/maintenance of erosion measures due to damage by other contractors or due to prolonged/abnormal weather conditions

If erosion measures are damaged by others, Deal Construction, Inc. will repair with compensation

No engineering

No estimate for shaping up after utility installation

Not responsible for grass not growing due to weather

No grass sowing estimated

If contractor/owner requires work performed in too wet of conditions, then they shall incur extra costs

Not responsible for hazardous material

Due to increasing fuel costs, we will hold to this quote as long as fuel costs do not escalate; this also includes asphalt & concrete prices

Payment will be due every 30 days, progressively

Andy Deal

Thomas H. (Andy) Deal

All work to be completed according to standard practices. Any change from specifications involving extra costs will become an extra charge over and above the estimate. All agreements contingent upon accidents or delays beyond our control. Our workers are fully covered by Worker's Compensation Insurance.

Acceptance of Proposal: _____
signature

**Councilmember Jetton made a motion to approve the bid as submitted.
Members voted 4-0 in favor of the motion.**

(O-04-22)

**CONSIDERATION/APPROVAL OF REQUEST TO ADD LANGUAGE TO THE
CITY OF LINCOLNTON CODE OF ORDINANCES TO COMPLY WITH
REQUIREMENTS SET FORTH BY SENATE BILL 300
(Date of introduction 3-18-22 at the budget work session)**

Police Chief Rodney Jordan spoke to this item, reminding members this was first introduced and discussed at the budget meeting in March. Chief Jordan explained that adding this language is necessary in order for any ordinance that includes a fine to be enforced. The ordinance is as follows:

**AN ORDINANCE AMENDING THE CITY OF LINCOLNTON CODE OF
ORDINANCES AS IT RELATES TO THE REQUIREMENTS SET FORTH BY
SENATE BILL 300**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON
THAT:

The City of Lincolnnton Code of Ordinances is hereby amended by adding language which shall read as follows:

“Any City of Lincolnnton Ordinance listed or referenced in the code that would result in a criminal infraction or misdemeanor is provided and punishable by G.S. 14-4. The maximum fine, term of imprisonment or infraction penalty to be imposed for a violation would be an amount of money or number of days less than the maximum imposed by G.S. 14-4”

This Ordinance shall be effective upon adoption.

This the 2nd day of June, 2022

Councilmember Eaddy made a motion to approve the addition of the language to be consist with Senate Bill 300. Members voted 4-0 in favor of the motion.

(R-07-22)

**CITY OF LINCOLNTON 2022-2023 SALARY SCHEDULES/SCHEDULE OF
BUDGETED POSITIONS**

Tanya Osborne, Human Resources Director, spoke to this item and presented the 2022-2023 Salary Schedule/Schedule of Budgeted Positions. Mrs. Osborne explained this is a required part of the annual budget process each year. She reminded members of the recommended change to remove law enforcement personnel from the general staff schedule, which is the reason there are two schedules being proposed. Resolution is as follows:

WHEREAS, the proposed 2022-2023 fiscal year budget has been prepared by the City Manager and presented to the Mayor and City Council; and

WHEREAS, the proposed 2022-2023 fiscal year budget includes a recommended salary schedule and schedule of budgeted positions;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lincolnnton adopts the "Salary Schedule", and "Schedule of Budgeted Positions"; as attached to this resolution, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

Adopted this the 2nd day of June 2022.

Councilmember White made a motion to approve the Salary Schedules and Budgeted Positions. Members voted 4-0 in favor of the motion.

(P-10-22)

**APPROVAL OF THE DISCONTINUATION OF THE LONGEVITY PAY PLAN
EFFECTIVE 7-01-2022**

Tanya Osborne, Human Resources Director, addressed Council regarding this item. Mrs. Osborne gave some brief background information, and explained the initial intent of this policy. She stated because the longevity pay plan, as currently written, no longer meets the City's goals as an effective method for recruitment, retention, or recognition of employees, the human resources department is seeking permission to discontinue the plan as of July 1, 2022. Amendment was submitted as follows:

CITY OF LINCOLNTON ADMINISTRATIVE POLICY

Subject: Longevity Pay Plan-Discontinuation	Manual: Administrative
	Effective Date: July 1, 2022
Policy Number: 17	
Issued By: Human Resources Department	City Council Approval Date:

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

Section I. Intent

Since July 1, 2003, the Longevity Pay Plan (Administrative Policy 11) has been a method used to recognize and reward employees for their dedication and faithful years of service to the citizens of Lincolnton. This plan no longer meets the City's goals as an effective method for recruitment, retention, and recognition of employees, and will be discontinued as of July 1, 2022. For employees hired prior to July 1, 2022, the program's longevity pay will be phased out during the City's fiscal year 2022-2023.

Section II. Eligibility for Final Longevity Increase

All regular full-time employees who are employed as of June 30, 2022, and remain employed to their eligibility date in the fiscal year July 1, 2022 through June 30, 2023.

Section III. Administration

1. In the past, a salary increase for longevity pay of 2.5% has been awarded to employees at each five (5) year increment of full service years to the City of Lincolnton beginning with the completion of year five (5). To end the program in the fiscal year 2022-2023, each employee will receive .5% for each year of the 5 year increment of time which has been attained.

Full Years of Service Attained in Fiscal Year 22-23	Portion of 2.5% longevity
1	.5%
2	1.0%
3	1.5%
4	2.0%
5	2.5%

2. The eligibility date is the employee's date of hire as recognized for longevity pay.
3. The pro-rata salary increase for the applicable completed service years will be made effective the first available pay period following the eligibility date.
4. The first available pay period for employees with a June hire date may result in the effective date being in July 2023.

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

Councilmember Poinsette made a motion to approve the discontinue the Longevity Pay Plan. Members voted 4-0 in favor of the motion.

(BA-04-22)

CONSIDERATION/APPROVAL OF BUDGET AMENDMENT OF GENERAL FUND AND BOGER CITY FIRE DISTRICT FUNDS

Finance Director Pamela McBryde submitted the following budget amendment:

BA-04-22

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, 2022.

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

General Expense	\$	536,730
Police		5,229
Fire		10,950
Planning/Zoning		4,680
	\$	557,589

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

Local Sales & Use Tax	\$	500,000
Lease Revenue-Restaurant		20,000
Cemetery Lot Sales		10,000
Police Dept Inspection Fees		1,920
Parking Violations		3,148
Police Dept-Misc. Revenue		161
Zoning Department Fees		4,680
Fire Department Fees		10,950
Insurance Settlement		6,730
	\$	557,589

General Fund: FY2122 revenue generated from the various departments as presented.

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 AMENDMENT \$ 557,589

Councilmember Jetton made a motion that the budget amendment be accepted. Members voted 4-0 in favor of the motion

EXECUTIVE SUMMARY/OVERTIME REPORT

Pamela McBryde, Finance Director, presented and reviewed the following reports before council. Mrs. McBryde offered to answer any question.

		Executive Summary March 2022 Year-to-Date						
		2021-2022 Budget	2021-2022 YTD Activity	Budget Remaining	Variance %	2020-2021 Budget	2020-2021 YTD Activity	Variance Favorable / (Unfavorable)
Department								
Fund: 10 - General Fund								
Revenue		\$11,255,190.57	\$9,944,491.25	\$1,310,699.32	88%	\$14,004,059.00	\$9,765,768.40	\$178,722.85
Total Revenue:		\$11,255,190.57	\$9,944,491.25	\$1,310,699.32	88%	\$14,004,059.00	\$9,765,768.40	\$178,722.85
Expense								
4110-City Manager/Clerk		\$170,960.00	\$86,503.71	\$84,456.29		\$239,520.00	\$146,738.55	\$60,234.84
4120-Human Resources		\$333,015.00	\$208,109.37	\$124,905.63		\$351,556.75	\$220,874.46	\$12,765.09
4130-Finance		\$69,097.33	(\$79,323.04)	\$148,420.37		\$223,640.00	\$33,048.98	\$112,372.02
4280-General Expense		\$1,464,245.39	\$1,242,302.53	\$221,942.86		\$1,736,756.49	\$984,265.88	(\$258,036.65)
4285-General Debt Service		\$293,924.00	\$60,117.43	\$233,806.57		\$334,757.00	\$61,361.09	\$1,243.66
4310-Police		\$3,363,786.02	\$2,574,857.21	\$788,928.81		\$3,977,949.47	\$2,556,922.92	(\$17,934.29)
4340-Fire		\$2,216,589.00	\$1,896,848.02	\$319,740.98		\$3,031,949.00	\$2,362,217.95	\$465,369.93
4510-Public Works Administration		\$44,080.00	(\$28,625.43)	\$72,705.43		\$86,300.00	\$20,079.54	\$48,704.97
4520-Street and Maintenance		\$778,105.00	\$516,008.01	\$262,096.99		\$882,269.21	\$461,113.54	(\$54,894.47)
4530-Equipment Services		\$222,790.00	\$159,896.67	\$62,893.33		\$268,789.04	\$165,336.82	\$5,440.15
4710-Solid Waste		\$521,595.00	\$342,453.35	\$179,141.65		\$692,375.00	\$348,550.21	\$6,096.86
4740-IT Services		\$109,407.34	\$80,112.41	\$29,294.93		\$0.00	\$0.00	(\$80,112.41)
4910-Planning and Zoning		\$389,733.49	\$194,497.45	\$195,236.04		\$500,239.00	\$266,748.99	\$72,251.54
4930-Business & Community Dev.		\$209,360.59	\$116,610.15	\$92,750.44		\$639,145.04	\$112,145.02	(\$4,465.13)
6100-Recreation		\$1,068,502.41	\$631,001.48	\$437,500.93		\$1,038,813.00	\$683,163.35	\$52,161.87
Total Expense:		\$11,255,190.57	\$8,001,369.32	\$3,253,821.25	71%	\$14,004,059.00	\$8,422,567.30	\$421,197.98
Fund 10 Surplus (Deficit):			\$1,943,121.93				\$1,343,201.10	\$599,920.83
Fund: 20 - Boger City Fire District								
Revenue		\$1,245,420.00	\$674,911.91	\$570,508.09	54%	\$1,373,152.00	\$850,425.07	(\$175,513.16)
Total Revenue:		\$1,245,420.00	\$674,911.91	\$570,508.09	54%	\$1,373,152.00	\$850,425.07	(\$175,513.16)
Expense								
4340-Fire		\$1,245,420.00	\$842,905.66	\$402,514.34		\$1,373,152.00	\$557,100.95	(\$285,804.71)
Total Expense:		\$1,245,420.00	\$842,905.66	\$402,514.34	68%	\$1,373,152.00	\$557,100.95	(\$285,804.71)
Fund 20 Surplus (Deficit):			(\$167,993.75)				\$293,324.12	(\$461,317.87)
Fund: 61 - Water and Sewer Fund								
Revenue		\$8,595,950.00	\$6,088,587.74	\$2,507,362.26	71%	\$11,577,450.00	\$5,637,430.34	\$451,157.40
Total Revenue:		\$8,595,950.00	\$6,088,587.74	\$2,507,362.26	71%	\$11,577,450.00	\$5,637,430.34	\$451,157.40
Expense								
7100-Water Treatment		\$2,006,350.00	\$1,042,630.41	\$963,719.59		\$1,945,700.00	\$894,806.87	(\$147,823.54)
7110-Distribution & Collection		\$2,173,220.91	\$1,122,869.49	\$1,050,351.42		\$2,032,900.00	\$1,527,585.29	\$404,715.80
7120-Wastewater Treatment		\$1,934,676.09	\$1,094,963.40	\$839,712.69		\$1,644,150.00	\$996,123.17	(\$39,840.23)
7130-Water/Sewer Intangibles		\$2,481,703.00	\$2,595,291.48	(\$113,588.48)		\$5,954,700.00	\$1,019,019.88	(\$1,576,271.60)
Total Expense:		\$8,595,950.00	\$5,855,754.78	\$2,740,195.22	68%	\$11,577,450.00	\$4,437,535.21	(\$1,418,219.57)
Fund 61 Surplus (Deficit):			\$232,832.96				\$1,199,895.13	(\$967,062.17)
Fund: 63 - Electric Fund								
Revenue		\$7,797,350.00	\$5,454,159.65	\$2,343,190.35	70%	\$8,596,830.00	\$6,305,026.99	(\$850,867.34)
Total Revenue:		\$7,797,350.00	\$5,454,159.65	\$2,343,190.35	70%	\$8,596,830.00	\$6,305,026.99	(\$850,867.34)
Expense								
7200-Electric		\$7,797,350.00	\$5,373,285.83	\$2,424,064.17		\$8,596,830.00	\$6,046,616.43	\$673,330.60
Total Expense:		\$7,797,350.00	\$5,373,285.83	\$2,424,064.17	69%	\$8,596,830.00	\$6,046,616.43	\$673,330.60
Fund 63 Surplus (Deficit):			\$80,873.82				\$258,410.56	(\$177,536.74)
Total Surplus (Deficit):			\$2,088,834.96				\$3,094,830.91	(\$1,005,995.95)

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

March 2022 compared to March 2021 Year-to Date

MANAGER'S UPDATE

13

Mr. Haynes noted the LINC update, as well as housing market stats. He concluded giving a brief update regarding the increase in code enforcement violations and he mentioned some of the upcoming agenda items for the August.

NEWS MEDIA:

No news media present

ADJOURNMENT:

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

DAPHNE INGRAM, CMC
CITY CLERK

ED HATLEY
MAYOR

C-14-22

APPROVAL

OF

CONTRACT

CONTRACT

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

THIS CONTRACT AND AGREEMENT made and entered into on this the 30th day of June 2022, by and between **CRUISIN FOR A CAUSE, INC.**, a corporation existing and doing business under the laws of the State of North Carolina, party of the first part, (hereinafter referred to as CFAC), and the **CITY OF LINCOLNTON**, a municipal corporation created and existing under the laws of the State of North Carolina, party of the second part, (hereinafter referred to as CITY);

WITNESSETH:

The parties to this Contract hereby recite and declare that:

- a. Section 131.01 of the Code of Ordinances of the City of Lincolnton was so amended by the Lincolnton City Council at its regular meeting on April 4th, 2002 to allow the City to authorize and regulate the possession and consumption of malt beverages and unfortified wine on the public streets, alleys, and parking lots which have been temporarily closed to regular traffic for special events.
- b. The CFAC is the sponsor, promoter, and operator of the event known as “Cruisin for a Cause”, which will be staged in downtown Lincolnton on Saturday, September 17, 2022.
- c. At the request of CFAC, the City Council agreed, subject to the provisions and conditions hereinafter set forth, to allow the CFAC to administer the sale and sampling of malt beverages, unfortified wine and distilled spirits to the public within the designated event area between Court Square and Laurel Street at designated location(s) and to supervise and monitor the consumption of said alcoholic beverages at and during the 2022 “Cruisin for a Cause” event in downtown Lincolnton.

NOW, THEREFORE, in consideration of the reasons and facts recited above, the mutual promises and covenants of the parties as herein set out and for other good and valuable consideration, the receipt of which is hereby respectively acknowledged by the parties, the parties agree as follows:

I.

That in accordance with and subject to the terms and conditions herein set forth, CFAC is authorized to administer the sale and sampling of malt beverages, unfortified wine and distilled spirits to the public at its “Cruisin for a Cause” event, scheduled to be held on Saturday, September 17, 2022.

II.

That all alcoholic beverages sold and served at the event will be sold and consumed within the confines of the designated event area outlined by the attached map utilizing a beer tent for sales, the location of which must be approved by the City. CFAC agrees to obtain, pay for, and comply with all governmental permits and licenses necessary for the sale and consumption of the alcoholic beverages.

CFAC agrees to provide at its expense capable and competent personnel to administer and monitor the sale, sampling, and consumption of alcoholic beverages for the duration of the event. CFAC agrees that its personnel will exercise all due care and circumspection to refuse service or sale of alcoholic beverages to any minor or to any person who may appear to be under the influence of alcohol or any controlled substance.

That CFAC will not sell or allow the consumption of any alcoholic beverage before 5:00 p.m. or after 10:00 p.m. on the day of the event. No alcoholic beverages may be taken out of the designated event area and no outside alcohol may be brought into the designated event area.

III.

That CFAC hereby agrees to indemnify and hold the City and its employees harmless from any claims, causes of action, loss or injury resulting from the sale and sampling of alcoholic beverages and subsequent consumption thereof by the public at the "Cruisin for a Cause" event. That CFAC agrees to defend the City against any such claims of loss or injury filed against the City.

IV.

That CFAC will obtain and pay for liability insurance coverage (in an amount satisfactory to the City) for itself and the City as a result of the sale of alcoholic beverages on the streets of the City during the "Cruisin for a Cause" event. That CFAC will promptly provide a copy of said insurance policy (ies) to the City. All policies will designate the City as a named insured.

V.

That the City reserves the exclusive right to modify, cancel, and rescind this Contract at any time hereafter if, in its sole discretion, the sale and consumption of alcoholic beverages at any "Cruisin for a Cause" event has resulted in problems that are detrimental to the health, welfare, or well-being of the City or its citizens.

VI.

That it is further understood and agreed by both parties that no promises or agreements not herein expressed have been made to or by either party hereto, and that this Contract contains the entire agreement between the parties hereto, and that the terms and conditions of the Contract are contractual and not a mere recital.

VII.

That this Contract may be amended only by written instrument signed and executed by the parties hereto.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be signed in its corporate name by its duly-authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, and the party of the second part has caused this instrument to be signed by its Mayor and attested by its Clerk, the day and year first above written.

CRUISIN FOR A CAUSE, INC.

By: _____
John Rantanen, President

Attest:

Susan Gauthier

CITY OF LINCOLNTON

By: _____
Ed Hatley, Mayor

Attest:

Daphne Ingram, City Clerk **(Municipal Seal)**

The map displays a grid of streets in downtown Fort Collins. Three proposed bus routes are highlighted: a red line along Main Street and two blue lines along Sycamore Street and Water Street. Red circles with slashes are placed at various intersections along these routes to indicate stop locations. Blue arrows at the ends of the lines indicate the direction of travel. The streets shown include N Flint St, E Main St, N Oak St, E Water St, S Laurel St, N Cedar St, N Pine St, N Cypress St, N Aspen St, N Academy St, N Government St, N High St, N Grove St, S Laurel St, S Cedar St, S Academy St, S Aspen St, S Government St, S Grove St, W Pine St, W Main St, W Sycamore St, and Battleground Rd.

Break-down Finish: 11:00pm



Barricades



HARD BLOCK



Detour Routes



Road Closure

R-08-22

APPROVAL

OF

RESOLUTION

CITY COUNCIL

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



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.

R-08-22

**A RESOLUTION RATIFYING THE UPDATED CHARTER OF
CENTRALINA REGIONAL COUNCIL**

WHEREAS, the City of Lincolnton is a member of Centralina Regional Council (Centralina), a council of governments serving the needs of the nine-county region that includes Anson, Cabarrus, Gaston, Lincoln, Iredell, Mecklenburg, Rowan, Stanly and Union counties; and

WHEREAS, on February 9, 2022, the Centralina Board of Delegates adopted a resolution amending the organization's Charter to add language prohibiting private entities from benefitting from or having an interest in the organization's earnings or assets; and

WHEREAS, each member government must endorse the Charter as Centralina's governing document.

NOW, THEREFORE, BE IT RESOLVED by the Lincolnton City Council, that Lincolnton hereby ratifies the amended Centralina Regional Council Charter.

This the _____ day of _____, 2022.

Mayor/Board Chairman

ATTEST:

Clerk

ITEM #

2

RECOGNITION



June 3, 2022

DAPHNE A. INGRAM

CITY CLERK, CITY OF LINCOLNTON , NORTH CAROLINA

HONORED BY NORTH CAROLINA ASSOCIATION OF MUNICIPAL CLERKS (NCAMC)

Daphne A. Ingram, City Clerk, Assistant to the Manager, City of Lincolnton North Carolina, has been awarded the prestigious designation of "NORTH CAROLINA CERTIFIED MUNICIPAL CLERK" (NCCMC) from the North Carolina Association of Municipal Clerks, along with the School of Government of the University of North Carolina at Chapel Hill for achieving its high educational, experience, and service requirements.

Ms. Ingram attained her designation as a North Carolina State Certified Municipal Clerk through the completion of the NC Association of Municipal Clerks Program conducted in cooperation with the School of Government of the University of North Carolina at Chapel Hill.

As an established member of the North Carolina Association of Municipal Clerks (NCAMC), Ms. Ingram joins the 2022 class of municipal clerks from North Carolina who are receiving this State designation through July 2027 – "North Carolina Certified Municipal Clerk." The NCAMC is a professional organization of city, town and village clerks from across the state, dedicated to the continued growth and development of clerks and their municipalities.

Established on November 5, 1975, the Association, among other things, promotes educational and professional development opportunities for municipal clerks to enhance their knowledge and effectiveness. This is no small task, considering the wide array of duties performed by municipal clerks, which often vary from municipality to municipality. The Association partners with the North Carolina League of Municipalities, the School of Government of the University of North Carolina at Chapel Hill, and the International Institute of Municipal Clerks (IIMC) to meet the needs of each individual municipal clerk.

The North Carolina Certified Municipal Clerk Program is a five-year designation with requirements for continuing education to sustain and develop the ever-changing knowledge of the profession of municipal clerks. The NCAMC, together with the International Institute of Municipal Clerks, strives to promote educational and professional development to enhance the clerk.

This Certification Program was developed with the assistance of the UNC School of Government at Chapel Hill and will be administered in cooperation with the School of Government. Qualifications of applicants are reviewed and approved by the NCAMC State Certification Committee. Certificates are presented at the NCAMC Annual Summer Conference in August.

ITEM #

3

PUBLIC
HEARINGS

ITEM #

3a

MEMO TO: Mayor and City Council Members

FROM: City of Lincoln Planning Department

SUBJECT: CZ-2-2022 Application from Century Communities Southeast, LLC
requesting the rezoning of approximately 97 acres from R-25 to PRD

DATE: June 30, 2022

NOTE:

Century Communities had previously requested rezoning of the same site associated with this application and that request was denied in December 2021.

The Unified Development Ordinance contains the following stipulation regarding conditional rezoning requests that have been denied:

If a request for a conditional district is denied by the City Council, a similar application for the same property or any portion thereof shall not be filed until the expiration of a 12-month period from the date of the most recent denial by the City Council. This waiting period shall not be applicable where the application for a conditional district is substantially different from the application that most previously had been denied.

Since December, the applicant has held a community meeting and modified the conditional zoning site plan to include several changes. The City Attorney has determined that the extent of the changes make the new application substantially different from the previous application and therefore not subject to the 12-month waiting period.

The below summarizes the differences between the previous application and the new application:

- The total number of lots has been reduced from 261 to 209.
- The overall density has been reduced from 2.68 dwelling units per acre to 2.16 dwelling units per acre.
- The total amount of common open space has been increased from 40.2 acres to 47.89 acres (49.4% of property will be common open space).
- The amount of common open space located along the frontage of Startown Road has been increased.

- The 30 foot project boundary setback along the project edge has been revised to be a 25 foot landscape buffer (that means nothing can be built in the buffer area like fences or accessory structures).
- Preservation of the trees and natural areas across the creek will provide a visual buffer to Clarks Creek from Startown Road
- The single family lots to be located along the outer edge of the site have been modified as follows:
 - Minimum lot size has increased from 7,200 square feet to 8,050 square feet.
 - Minimum lot width has been increased from 60 feet to 70 feet.
 - Side yards have been increased from 8 feet to 15 feet.
 - Rear yards have been increased from 20 feet to 25 feet.
- The other single family lots would continue to be a minimum of 6,600 square feet and have been modified as follows:
 - Minimum lot width has been increased from 55 feet to 60 feet.
 - Side yards have been increased from 8 feet to 12.5 feet.
 - Rear yards have been increased from 20 feet to 25 feet.

The following chart also summarizes the project details and development standards for the previous application in comparison to the new application.

		CZ-11-2021	CZ-2-2022
Overall Project	Zoning Classification	PRD	PRD
	Permitted Uses	Single Family Homes	Single Family Homes
	Number of Lots	261	209
	Open Space	40.2 ac	47.89 ac
	Overall Density	2.68	2.16
Lots Located Along Outer Edge	Minimum Lot Size	7,200 sq ft	8,050 sq ft
	Minimum Lot Width	60 ft	70 ft
	Front Setback	20 ft	20 ft
	Side Yard	8 ft	15 ft
	Rear Yard	20 ft	25 ft
Other Lots	Minimum Lot Size	6,600 sq ft	6,600 sf ft
	Minimum Lot Width	55 ft	60 ft
	Front Setback	20 ft	20 ft
	Side Yard	8 ft	12.5 ft
	Rear Yard	20 ft	25 ft

SITE AND AREA DESCRIPTION

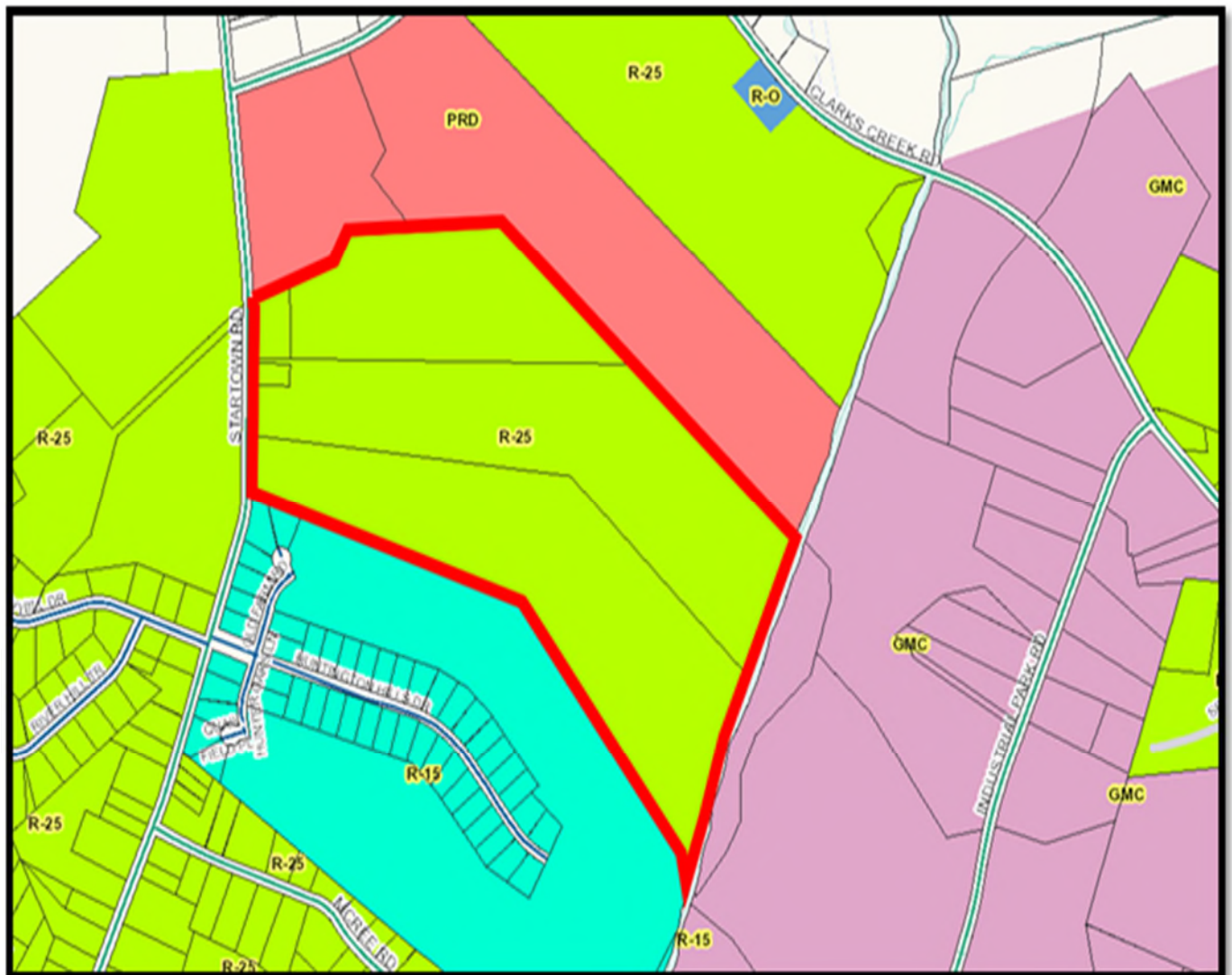
The applicant is requesting a conditional rezoning from R-25 to the Planned Residential District (PRD) for the purpose of developing a single family residential community with 209 homes.

The subject property is located on the east side of Startown Road approximately 950 feet south of the intersection of Clarks Creek Road and Startown Road (Parcel ID's 16937, 21509, 21507, 21508, and 21510).

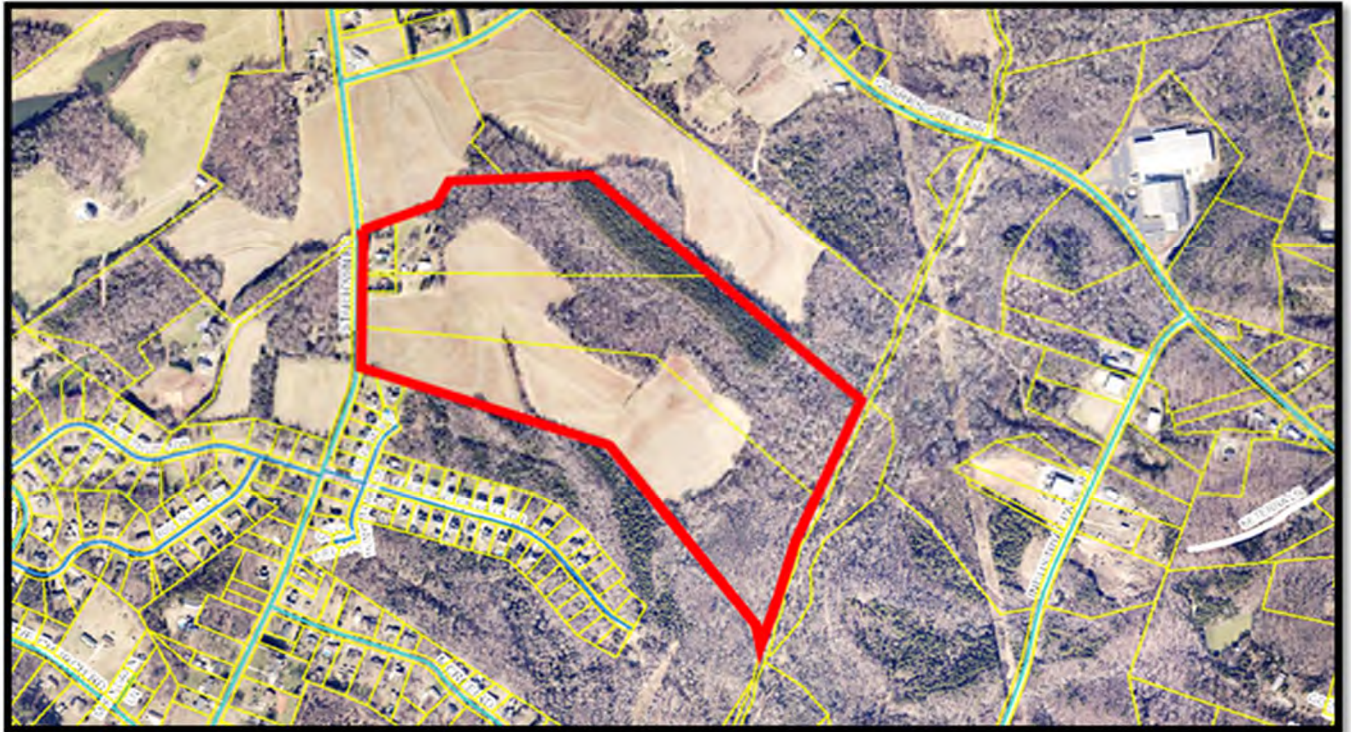
The property is undeveloped with the exception of two homes and several barns. Adjacent properties include single family homes and vacant properties.

The site is located outside of the city limits but within the ETJ.

CURRENT ZONING MAP



AERIAL VIEW

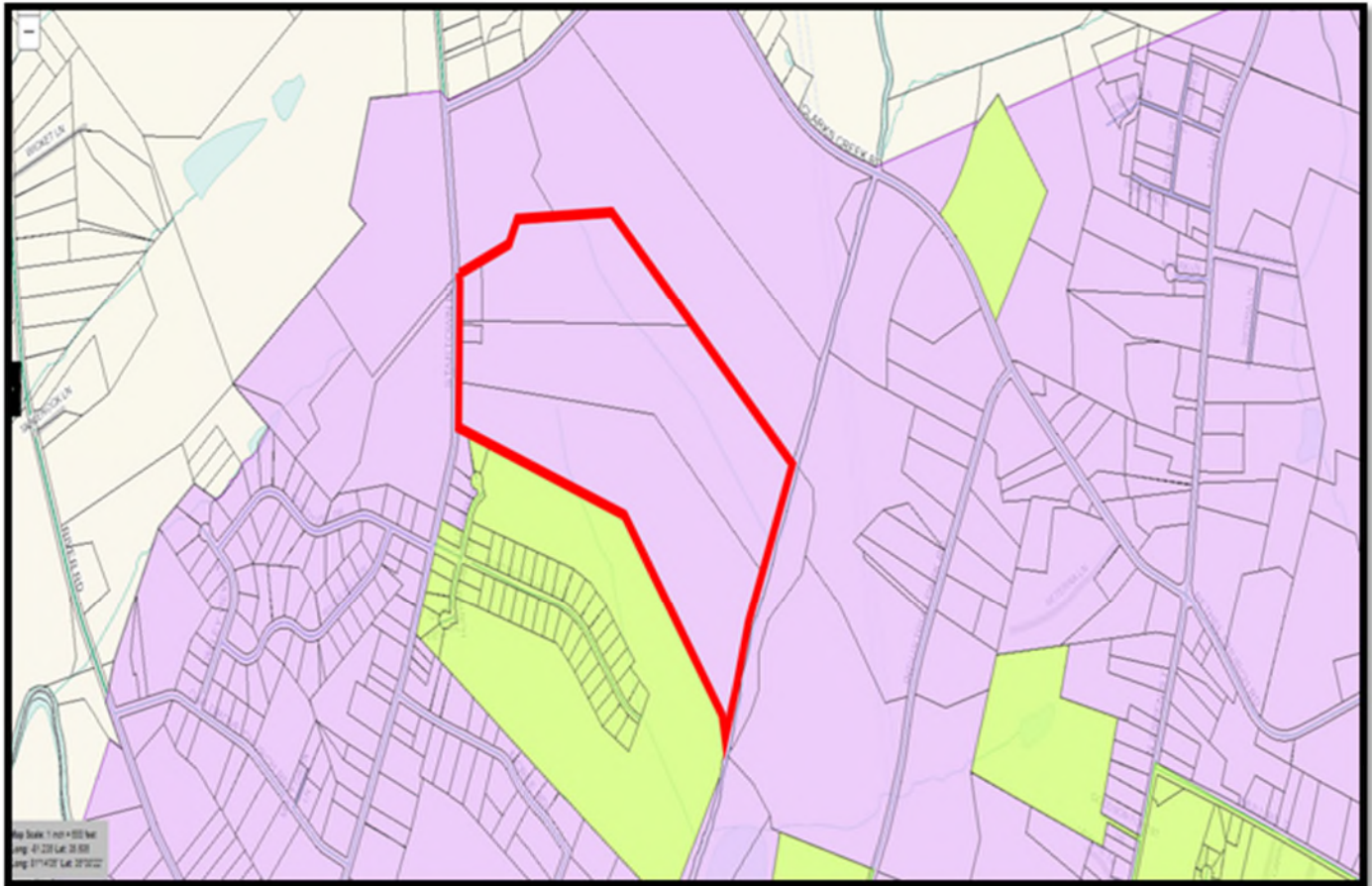


STREET VIEWS





CITY LIMITS/ETJ



ADDITIONAL PROJECT DETAILS

- The project is a proposed single family residential subdivision.
- Access will be provided by two public street connections to Startown Road.
- Sidewalks will be located on both sides of all streets within the site.
- Buildings will be a maximum of two stories in height.
- The site plan submitted by the applicant is below.



DESIGNED

BY

DATE

3/20/20

3/20/20

3/20/20

3/20/20

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3/20/20

ENGINEER & SURVEYOR

WRIGHT & ASSOCIATES

239 1ST AVE SOUTH

CHARLOTTE, NC 28213

(704) 422-2225, 37700

CONDITIONAL ZONING PLAN

CITY OF LINCOLNTON

NORTH CAROLINA

DATE: JANUARY 21, 2020

APP. NO. 153-008

SHEET 13

ENGINEER & SURVEYOR

WRIGHT & ASSOCIATES

239 1ST AVE SOUTH

CHARLOTTE, NC 28213

(704) 422-2225, 37700

CONDITIONAL ZONING PLAN

CITY OF LINCOLNTON

NORTH CAROLINA

DATE: JANUARY 21, 2020

APP. NO. 153-008

SHEET 13

ENGINEER & SURVEYOR

WRIGHT & ASSOCIATES

239 1ST AVE SOUTH

CHARLOTTE, NC 28213

(704) 422-2225, 37700

CONDITIONAL ZONING PLAN

CITY OF LINCOLNTON

NORTH CAROLINA

DATE: JANUARY 21, 2020

APP. NO. 153-008

SHEET 13



Amenity Examples



Century Communities



STARTOWN ROAD AND CLARKS CREEK INTERSECTION

NCDOT has stated a traffic signal would be required at the intersection of Clarks Creek and Startown Road. Century Communities along with Clark Creek LLC/Prestige will be responsible for the offsite improvement of the intersection of Clarks Creek and Startown Road.

LAND USE PLAN

The Land Use Plan shows the property in the Residential Suburban Planning area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family dwellings. Such areas currently have public water and sewer or are likely to have such facilities within the next ten years. Most new single family residential development within Lincolnton is likely to occur in such areas.

The Land Use Plan also includes the following recommendations:

- Future residential development should be located in areas where City infrastructure and services can be economically provided.
- Promote home ownership throughout the City's planning jurisdiction by providing a mix of lot sizes to promote affordability.
- Promote innovative zoning to accommodate home ownership.
- Ensure that residential development promotes pedestrian and bicycle use.
- Provide for sidewalks within and on the outside boundaries of new residential developments.

The proposed development is consistent with the Land Use Plan's Residential Suburban designation. It is also consistent with the Land Use Plan in the following ways:

- The site has access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional lot sizes are provided.

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. Prior to final approval, an engineered plan meeting all requirements for planned residential development, major subdivision, and all UDO requirements must be submitted to and approved by staff. Detailed phasing of when units will be constructed must be shown on the plans.
2. Sidewalks constructed to City of Lincoln specifications must be constructed along the frontage of Startown Road.
3. Detailed water and sewer plans will need to be submitted and approved by the City prior to development.
4. The applicant will be responsible for making the utility tap.
5. City Fire Inspector will need to review and approve all plans prior to development. Hydrant locations will need to be determined, no more than 400 feet between hydrants, Appendix D of the Fire Code will need to be met. Eight inch minimum water line dedicated for fire hydrants.
6. If buildings are over 30 feet in height, internal streets must be a minimum of 26 feet in width.
7. "No Parking" signs required on internal streets.
8. Fire Marshal will require the secondary access to be provided as part of the initial phase of the development.
9. The City is currently having a hydraulics study performed to determine water capacity. Approval of the proposed development is contingent upon the City's review of the hydraulics study and subsequent determination of available capacity.
10. NCDOT driveway permit required. Turning lanes will be required.
11. Street trees are subject to NCDOT's Guidelines For Planting Within Highway Right-of-Way (should not be larger than 4 inch diameter).
12. Detailed landscaping and screening plan will need to be provided.
13. Erosion control plans must be submitted to and approved by Lincoln County Soil and Erosion prior to development. Wetland and stream surveys will need to be conducted. If wetlands exist and will be disturbed, a 404 and 401 permit approval will need to be submitted with the original erosion control plan packet. Civil plans are subject to review and approval of Lincoln County Natural Resources.
14. No flood zone encroachments permitted. Stream buffers required.
15. The HOA is responsible for ongoing maintenance of the detention ponds and will make any necessary repairs to the ponds to ensure their continued effectiveness. Ongoing maintenance is to be in accordance with NC DEQ Stormwater Standards. These standards include but are not limited to scheduled visual structure inspections and yearly inspection report to be submitted to the City of Lincoln for review and compliance with the standards.
16. Building plans must be submitted to and approved by Lincoln County Inspections prior to development.
17. In the event the site is annexed by the City, the City reserves the right to require the internal streets to be brought up to minimum standards prior to acceptance of the streets for maintenance. This includes but is not limited to repaving all or a portion of the street system prior to acceptance by the City.

18. Setbacks along Startown Road are to be a minimum of 50 feet from the right of way.
19. Screening that meets minimum ordinance standards is to be provided in the 50 foot setback areas along Startown Road.
20. Natural plantings that meet or exceed the screening requirements of the UDO are to be provided in the portion of the southern project edge labeled as a 30 foot buffer on the conditional zoning plan. No structures are to be placed in this 30 foot buffer area.
This 30 foot buffer area is to be part of the common open space maintained by the HOA.
21. The HOA is responsible for ongoing maintenance of screening and buffer areas. Ongoing maintenance is to include replacement of any required vegetation that dies or is removed.
22. All sides of the buildings are to include materials and design characteristics consistent with those on the front. Large expanses of blank walls will not be permitted.
23. Building design is to be generally consistent with the quality, character and fenestration portrayed in the renderings. Minor variations from the renderings that do not detract from the quality, character and fenestration may be permitted.

STAFF RECOMMENDATION

Staff views the request as appropriate for approval subject to the Staff Review Committee comments being made conditions of approval and recommends the following actions:

- approval of the request for rezoning from R-25 to the Planned Residential District (PRD) 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.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. CZ-2-2022

Applicant: Century Communities Southeast, LLC

Parcel ID#: 16937, 21509, 21507, 21508, and 21510

Location: Startown Road

Request: Rezone from R-25 to PRD for the purpose of developing a single family residential subdivision with 209 lots.

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family dwellings.

The proposed rezoning request **is consistent** with the area's Residential Suburban designation by the land use plan and is also consistent with the Land Use Plan in the following ways:

- The site has access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional lot sizes are provided.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

**Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for **DENIAL** of Application**

Case No. CZ-2-2022

Applicant: Century Communities Southeast, LLC

Parcel ID#: 16937, 21509, 21507, 21508, and 21510.

Location: Startown Road

Request: Rezone from R-25 to PRD for the purpose of developing a single family residential subdivision with 209 lots.

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family dwellings.

The proposed rezoning request **is consistent** with the Lincolnton Land Use Plan. However, the proposed development is not consistent with the established rural/suburban character of the area.

Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

ITEM #

3b

MEMO TO: Mayor and City Council

FROM: City of Lincoln Planning Department

SUBJECT: CZ-5-2022 Request for rezoning of approximately 30.33 acres from PB (SHO) to GMC (CD) for Edgewater Ventures, Industrial Building

DATE: June 30, 2022

SITE AND AREA DESCRIPTION

The applicant is requesting a conditional rezoning from PB (Planned Business) Special Highway Overlay (SHO) to the General Manufacturing and Commercial(Conditional District) (GMC-CD) in order to construct a 352,500 square foot industrial building.

The subject property is located on the west side of Car Farm Road approximately 600 feet south of the intersection of Car Farm Road and Maiden Highway (Parcel ID 00822), the property has approximately 1300 feet of frontage along U.S. Highway 321 and consists of 30.33 acres. The site currently has several single family dwellings on it. This property was annexed into the City several years ago at the request of the owner. County water and City Sewer is available to the site.

The adjacent properties are:

- North is Single Family Dwelling, North 321 Fire Department, and a convenience store with zoning a mixture of County zoning designations R-T and B-G.
- East is Single Family Dwellings with county zoning designation R-S
- South is the Combine Academy, a private boarding school, with county zoning designation R-T
- West the site is bordered by U.S. Highway 321

- (See Below Map)- Property in question is cross hatched.



SITE DESCRIPTION

The applicant describes the building as “we’re designing the building to be as flexible as possible, however we expect the uses to be very similar to the industrial park. It will range from distribution (i.e crate and barrel/FedEx) to light manufacturing and assembly (American Woodmark/UTC). However, uses will obviously have to be in accordance with zoning.”

- Proposed 352,500 square foot Industrial Building
- 199 Vehicle Parking Spaces
- 102 Trailer Parking Spaces
- 100 Dock Doors
- County Water will serve the site
- City Sewer will serve the site with a proposed connection to an existing pump station on adjacent property..
- A fire water storage and pump house will be constructed for sprinkler system
- Stormwater will be contained on site with Two proposed BMP ponds
- Wetlands on the west side of the property will be undisturbed.
- The existing 50 foot natural buffer along U.S. Highway 321 will remain
- Parking Lot and Street Landscaping along Car Farm Road will be required
- Site will be buffered from adjacent residential zoned uses.

AERIAL VIEWS



STREET VIEWS OF SITE



CAR FARM AND MAIDEN HIGHWAY INTERSECTION



VIEW OF PROPERTY FROM U.S. HIGHWAY 321



VIEW OF ADJACENT PROPERTIES



CAR FARM ROAD AND MAIDEN HIGHWAY INTERSECTION

The intersection of Car Farm Road and Maiden Highway has become congested over the last several years especially during peak hours. The NCDOT Traffic Count map in this area of Maiden Highway shows the traffic count at anywhere from 13,000 to 15,000 vehicles per day. The last count from 2013 on Car Farm Road shows about 3600 vehicles per day. This is likely higher today.

NCDOT has already been contacted and has made the following determinations concerning the use and the need for a traffic signal at the intersection of Car Farm Road and Maiden Highway:

“After reviewing the analysis, I am in agreement that the signal installation will greatly improve LOS at Car Farm and Maiden Hwy. We will require the installation of the signal as part of the driveway permitting process. A signal design and agreement will need to be done by the developer and submitted to our traffic services group.”

CITY OF LINCOLNTON LAND USE PLAN

The Land Use Plan shows the property in the Planned Business Planning area. The rezoning of the property to the General Manufacturing (GMC-CD) District would not comply with the land use plan in staff's opinion. The PB designation is for mixed use residential and retail uses, such as shopping centers. If rezoned the Industrial planning area would need to be assigned to this property. The industrial land use classification is as described as follows:

These are areas in use or designated for future industrial/manufacturing use. As industrial uses play a vital role in the local economy, any such planning areas designated on the Future Land Use Map should be reserved for industrial uses and should be protected from encroachment from other uses. Industrial park development is encouraged.

Industrial developments located along or in close proximity to the City's major thoroughfares should be developed so as to protect and enhance the viewshed from these thoroughfares. Adaptive reuse of older manufacturing buildings (for both manufacturing and other compatible non-industrial uses) is also encouraged.

The location of this property adjacent to U.S. Highway 321 and its proximity to the Lincoln County Industrial park make an Industrial Land Use designation reasonable. Staff would support this change.

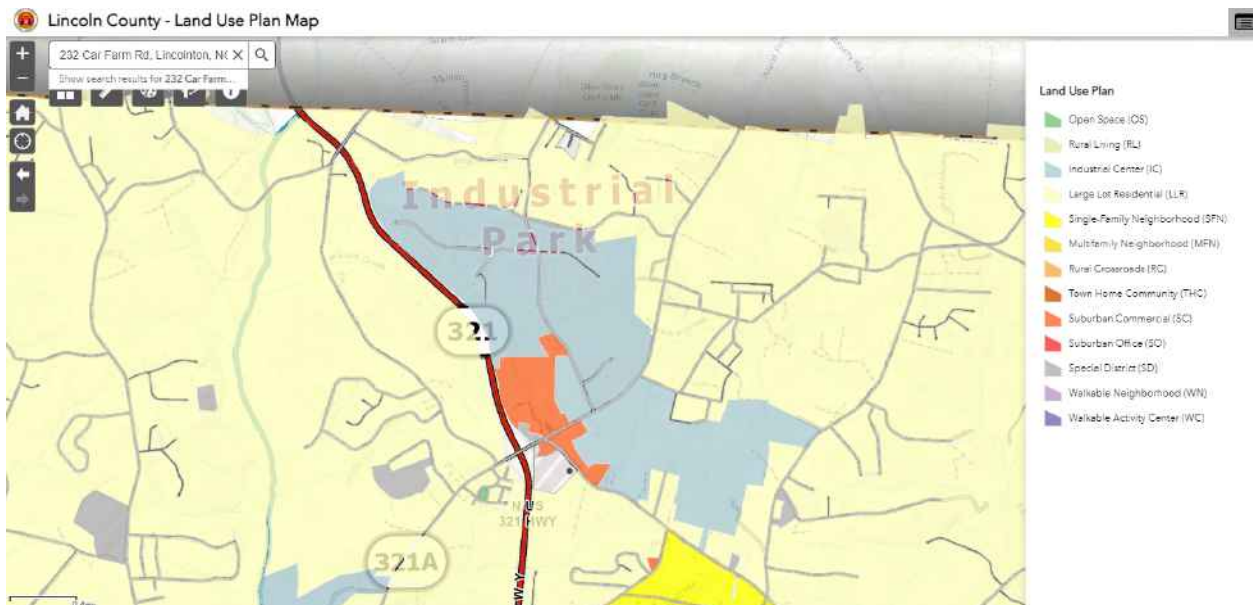
LINCOLN COUNTY LAND USE PLAN

Industrial Center:

Industrial centers support large and small-scale manufacturing and production uses, including assembly and processing, regional warehousing and distribution, bulk storage, and utilities. These areas are found in close proximity to major transportation corridors (e.g., highways or railroads).

Suburban Commercial

Suburban commercial centers serve the daily needs of surrounding residential neighborhoods. They typically locate near high-volume roads and key intersections, and are designed to be accessible primarily by automobile. Buildings are set back from the road behind large surface parking lots, with little connectivity between adjacent businesses.



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. Fire Department Comments
 - Appendix D of Fire Code will apply
 - Fully alarmed and Fully Sprinkled per Fire Code
 - Hydrant locations and number of hydrants need to be determined
 - Fully hydraulics Study for Water needed
 - All Fire Department code requirements must be met prior to construction.
2. NCDOT Comments (Travis Jordan 704-748-2400)
 - Traffic Signal required at Maiden Highway/Car Farm Road interchange
 - Driveway Permits required
3. Utility Comments
 - Pump Station is Private and not owned by City of Lincolnton, owned by Combine Academy. City must approve the pump station easement.
 - Need Calculations on Pump Station
 - Pump Station is not currently operational, need to coordinate with Combine Academy and City Of Lincolnton
 - Sewer is the City of Lincolnton. Water is Lincoln County
 - Pre Treatment permit possible depending on use of property
4. Planning Department Comments
 - If approved, Detailed engineering plans will need to be submitted before final approval.
 - Detailed Landscaping/Screening Plans needed including street landscaping, parking lot landscaping, screening adjacent to residentially zoned properties.
 - Sidewalk required along entire frontage of Car Farm Road, ADA Compliant
 - Building Permits to be issued by Lincoln County
5. Lincoln County Natural Resources Comments
 - Erosion Control Plan to be approved by Lincoln County
 - If this project requires offsite upgrades such as roadwork or utility work those areas will be required to also be shown on the plan set with appropriate EC measures for such.
 - Any land disturbance 20 acres or more requires all sediment basins to be designed at the 25 year storm events and also designed using 100' construction entrance instead of 50'.

- This site will need an erosion control plan package submitted for review and approval PRIOR to any land disturbance taking place.
- Plan will need to be NCG01 compliant.

STAFF AND PLANNING BOARD RECOMMENDATION

Staff and Planning Board recommend the following actions:

- approval of the request for rezoning from PB to the General Manufacturing Commercial Conditional District (GMC-CD) (SHO) subject to the staff review committee comments being made conditions of approval,
- Change the Land Use Designation from Planned Business to Industrial
- 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.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. CZ-5-2022

Applicant: Edgewater Ventures

Parcel ID#: 00822

Location: Car Farm Road, Maiden Highway, U.S. Highway 321

Request: Rezone from PB to General Manufacturing and Commercial Conditional District (GMC-CD) (SHO) for the purpose of constructing an Industrial Flex Building.

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Planned Business Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. However, staff supports a change to Industrial based on the location of this property adjacent to U.S. Highway 321 and its proximity to the Lincoln County Industrial Park make an Industrial Land Use designation reasonable.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

**Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for **DENIAL** of Application**

Case No. CZ-5-2022

Applicant: Edgewater Ventures

Parcel ID#: 00822

Location: Car Farm Road, Maiden Highway, U.S. Highway 321

Request: Rezone from PB to General Manufacturing and Commercial Conditional District (GMC-CD) (SHO) for the purpose of constructing an Industrial Flex Building.

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Planned Business Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan and therefore, **denial of the proposed amendment is reasonable and in the public interest.**

ITEM #

3c

MEMO TO: Mayor and City Council

FROM: City of Lincoln Planning Department

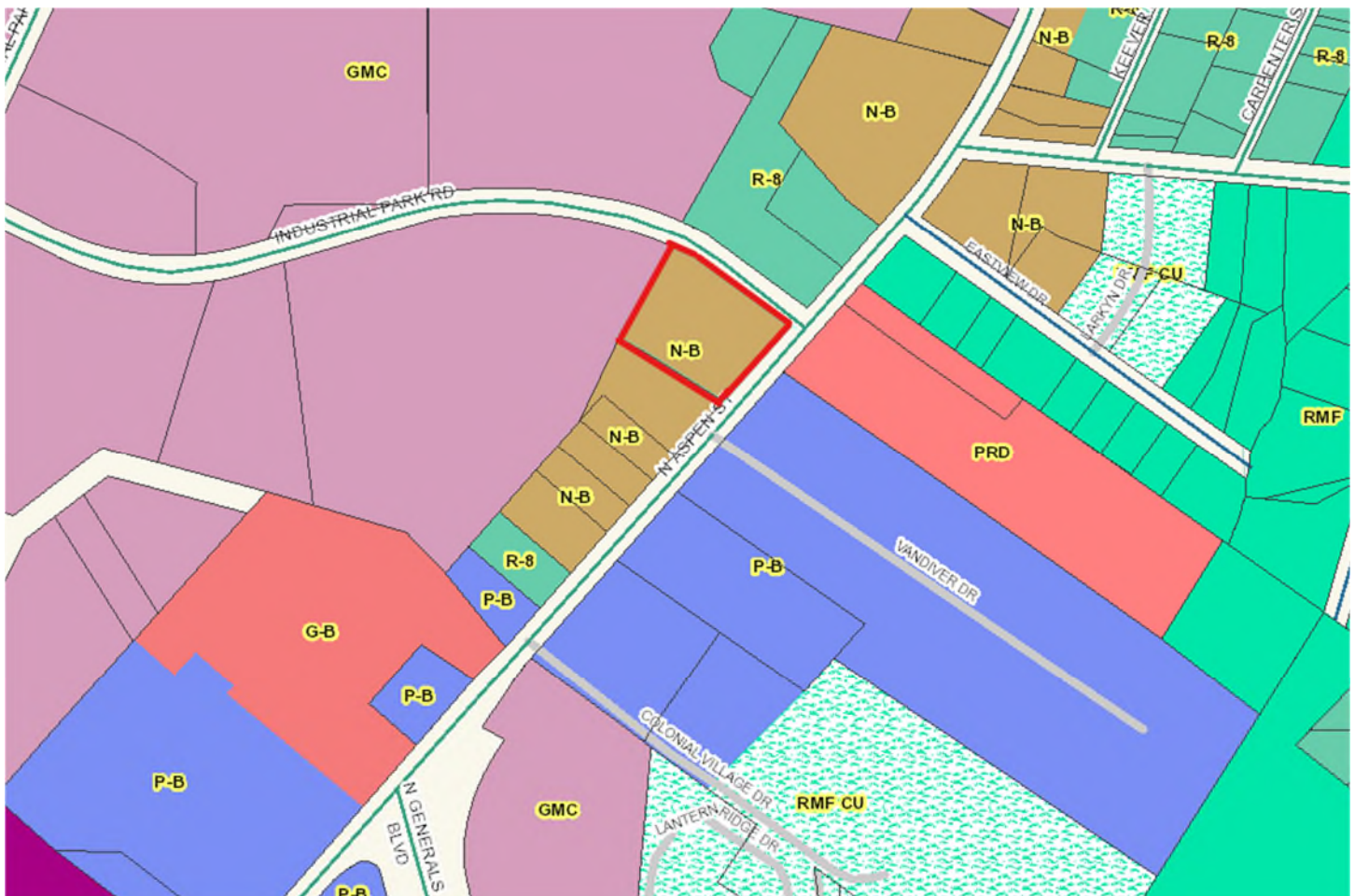
DATE: June 30, 2022

SUBJECT: CZ-6-2022 - Application from Bobby and Kawna Colvard requesting the conditional zoning of 1.766 acres from Neighborhood Business (NB) District to General Business (GB-CD) for the purpose of constructing a mini storage facility. The subject property is located at the southwest corner of North Aspen Street and Industrial Park Road (Parcel ID 16111)

SITE AND AREA DESCRIPTION

Bobby and Kawana Colvard are requesting a conditional zoning from NB to GB-CD of 1.766 acres to construct a mini-warehouse storage facility. The subject property is located at the southwest corner of North Aspen Street and Industrial Park Road (Parcel ID 16111).

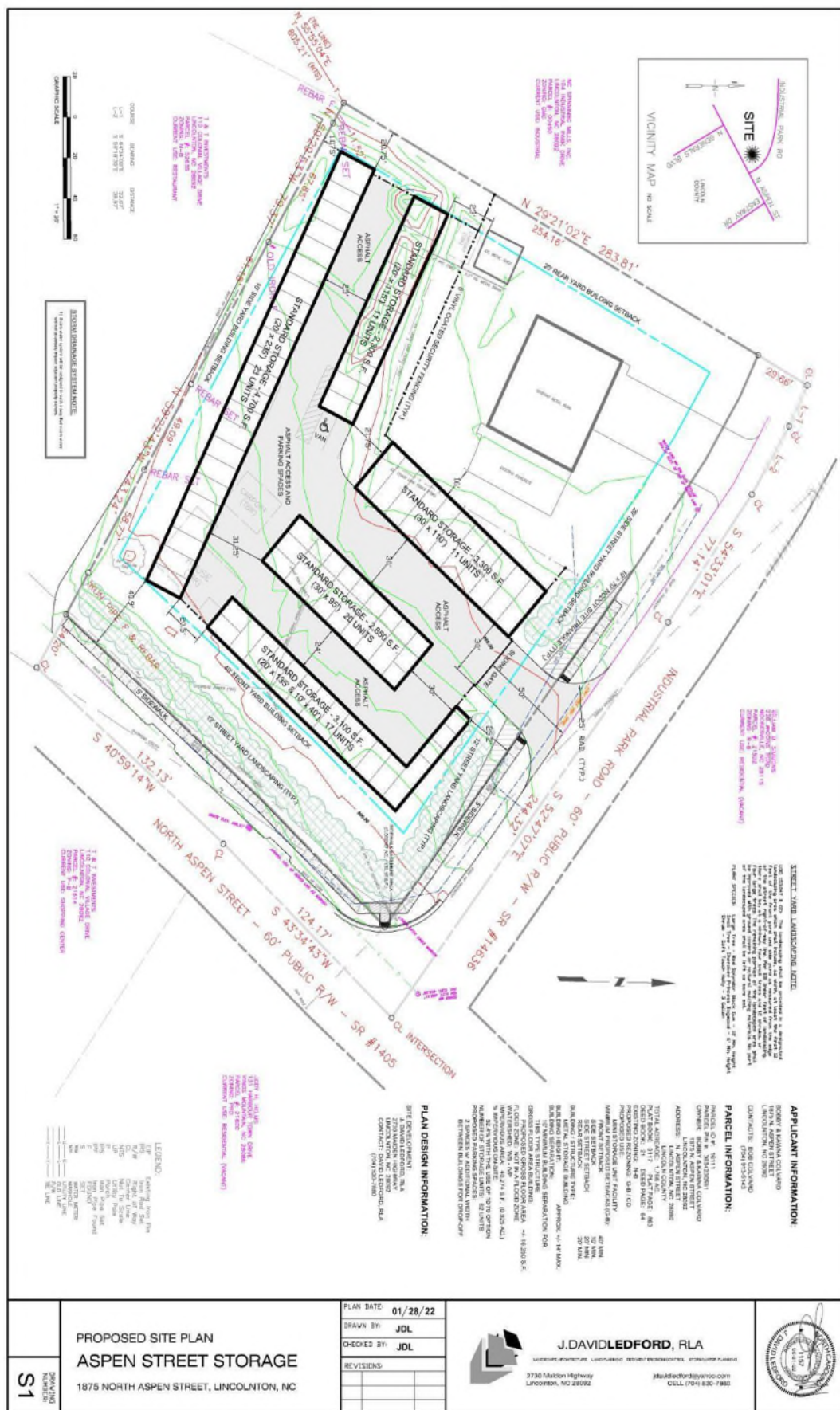
The property surrounding the site has a variety of zoning districts including NB, GMC, PB, PRD and R-8. Land uses surrounding the site are a combination of business and residential.



[illegible]

- 16,250 square foot multi-unit storage building
- 5 buildings with a total of 82 units
- One access point onto Industrial Park Drive
- Two parking spaces with additional space between buildings for drop off
- All doors will face the interior of the project
- Self service with code access

SITE PLAN:



STREET VIEWS:



SIMILAR TO:



LAND USE PLAN

The Land Use Plan shows the property in the Neighborhood Business area. These planning areas are for small business clusters that cater to the needs of a relatively small trading area. Accordingly, they are appropriate for smaller-sized stores and establishments. Such areas are not designed to be Citywide commercial destination spots. Neighborhood business planning areas are designed to be compact in nature (as opposed to elongated strips along a thoroughfare) and located at key road intersections. New neighborhood business areas are also strongly encouraged for location in association with planned residential developments and/or new larger-sized subdivisions.

Staff views the request as consistent with intent of the Land Use Plan.

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.

WATER SUPPLY WATERSHED

The subject property is located within the WS-IVP Watershed area. The site is allowed up to 70% impervious surface. The site plan shows 52.4% built upon area and is in compliance.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. The City Fire Inspector will need to review and approve all plans prior to development. Fire hydrants may be required. If additional hydrants are required, they will need to install at their expense and provide an easement and access.
2. Building plans must be submitted and approved by Lincoln County Inspection prior to development.
3. Erosion and Sedimentation stated they have approved the plan and if there are any revisions they would need to be submitted to them for review.
4. NCDOT Driveway permit will be required and approved prior to development. An encroachment agreement will be needed for sidewalks or the sidewalks will need to be moved out of the right of way.
5. Sidewalk must be constructed to City of Lincoln specifications and be ADA compliant.
6. Detailed landscaping plan will need to be provided

STAFF AND PLANNING BOARD RECOMMENDATION

Staff and Planning Board recommend the following action:

- approval of the request for rezoning from Neighborhood Business (NB) district to the General Business (GB-CD) district 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 with the conditions of approval.

Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness for **APPROVAL of Application**

Case No. CZ-6-2022

Applicant: Bobby & Kawna Colvard

Parcel ID#: 16111

Location: 1867 and 1875 N. Aspen Street

Request: Rezone from Neighborhood Business to General Business for the use of the property for a mini storage warehouse

Proposed Consistency and Reasonableness Statement:

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. Neighborhood business planning areas are designed to be compact in nature (as opposed to elongated strips along a thoroughfare) and located at key road intersections.

The proposed rezoning request **is consistent** with the intent of the Lincolnton Land Use Plan.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for DENIAL of Application

Case No. CZ-6-2022

Applicant: Bobby & Kawna Colvard

Parcel ID#: 16111

Location: 1867 and 1875 N. Aspen Street

Request: Rezone from Neighborhood Business to General Business for the use of the property for a minit storage warehouse

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. The proposed rezoning request is consistent with the intent of the Lincolnton Land Use Plan.

However, the proposed commercial use is not viewed as desirable in this area. Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

ITEM #

4

PUBLIC
HEARINGS -
continued

ITEM #

4a

MEMO TO: Mayor and City Council

FROM: City of Lincoln Planning Department

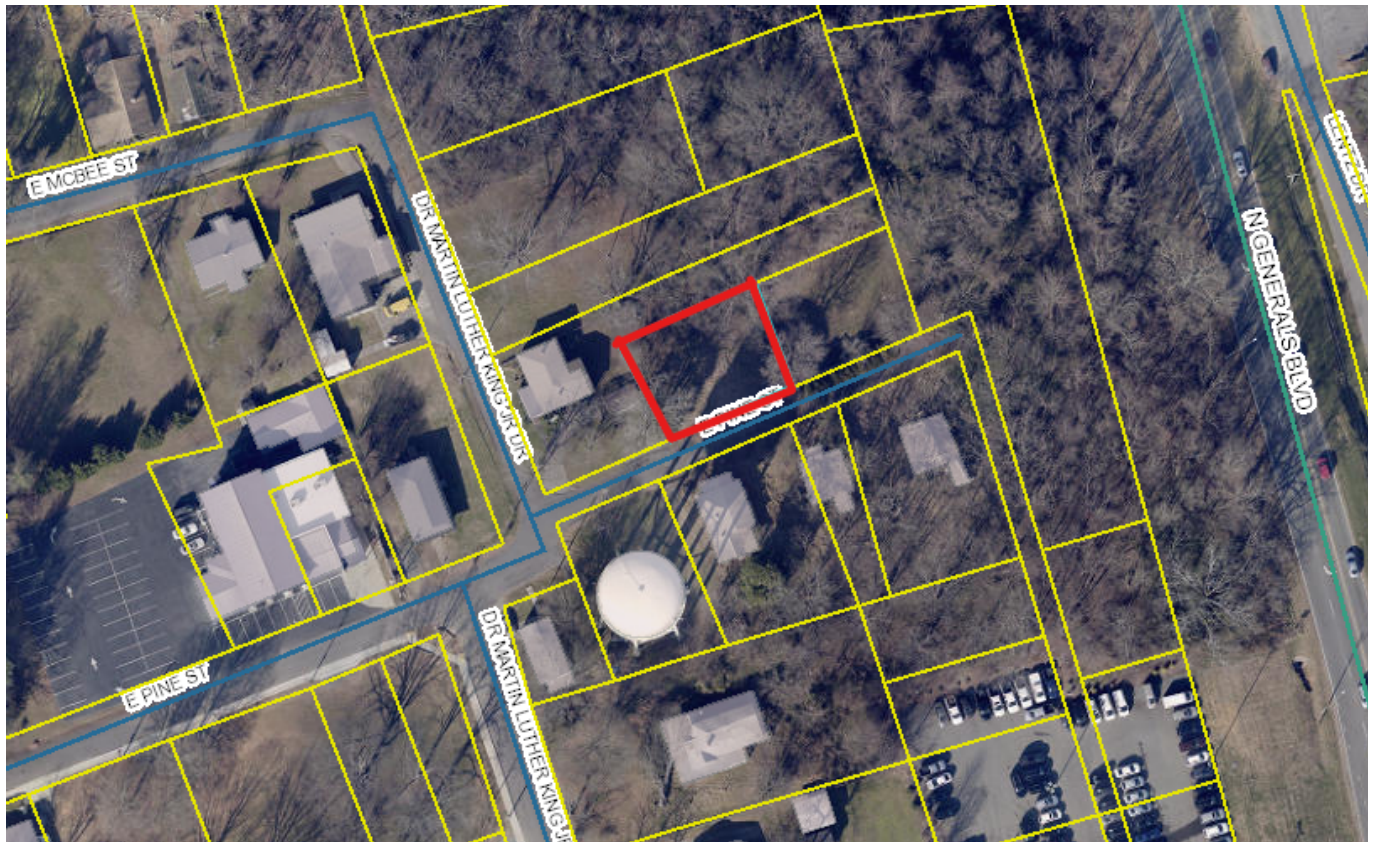
SUBJECT: ZMA-3-2022 – Application from Carolina Elite Builders

DATE: June 30, 2022

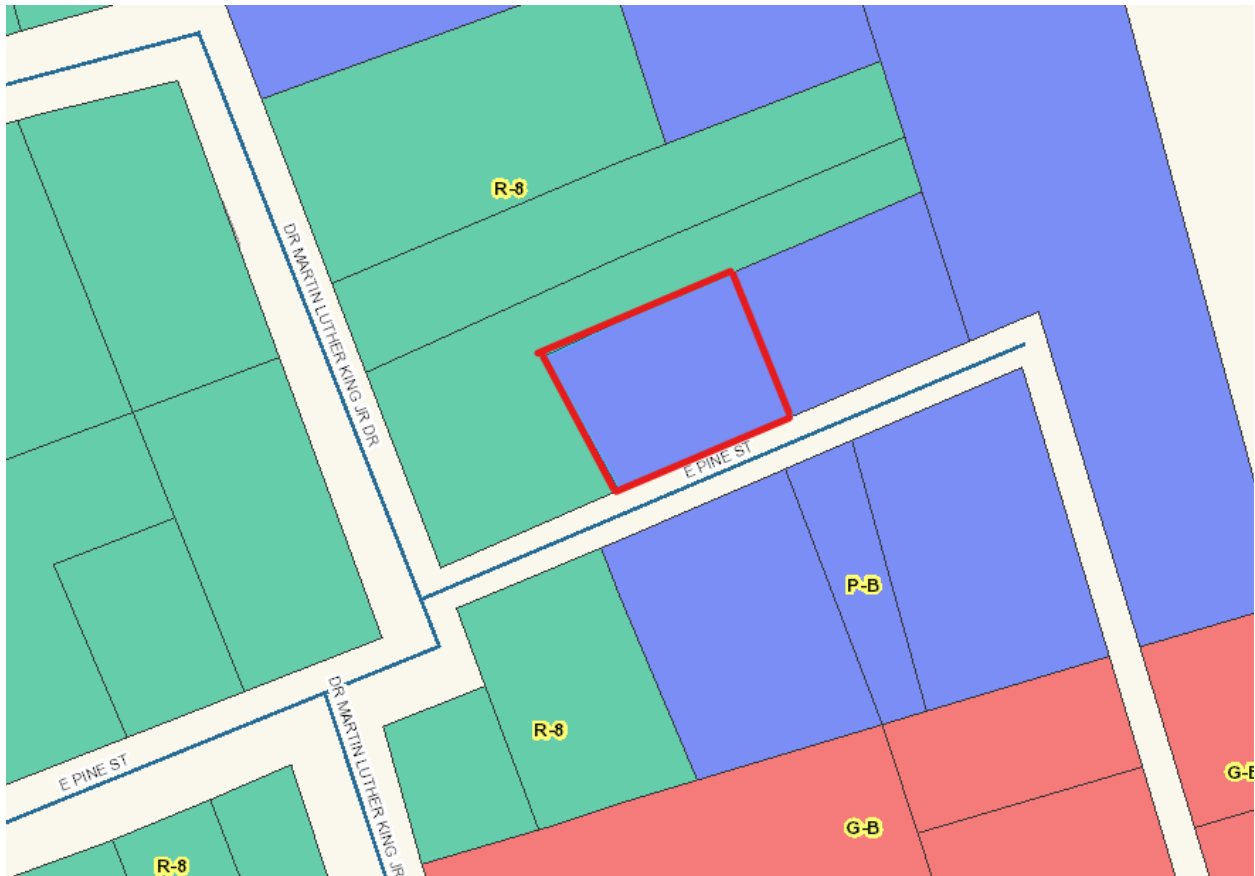
SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of 0.136 acres of land from Planned Business (PB) District to Residential-8 (R-8) District. The subject property is located at 1213 E Pine Street (Parcel ID 51771).

AERIAL VIEW:



ZONING



The subject property is vacant land. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by Planned Business and Residential-8 zoning.

The change to R-8 zoning would allow for one single family or a two family dwelling to be constructed on the property.



LAND USE PLAN COMPLIANCE

The land use plan shows the property in the Traditional Single Family Planning Area.

These planning areas consist of single-family uses on smaller to medium sized lots in older established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

The proposed rezoning request would be consistent with the Land Use Plan.

STAFF AND PLANNING BOARD RECOMMENDATION

Staff and Planning Board recommend the following action:

1. Recommend approval of rezoning of the property from PB to R-8

Zoning Amendment

Staff's Proposed Statement of Consistency and Reasonableness for **APPROVAL of Application**

Case No. ZMA-3-2022

Applicant: Carolina Elite Builders

Parcel ID#: 51771

Location: 1213 East Pine Street

Request: Rezone from PB to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is consistent** with the Lincolnton Land Use Plan. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

**Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for **DENIAL** of Application**

Case No. ZMA-3-2022

Applicant: Carolina Elite Builders

Parcel ID#: 51771

Location: 1213 East Pine Street

Request: Rezone from PB to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**

ITEM #

4b

MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-1-2022 Application from Lincoln Planning Department requesting amendment to Section 153.126, (TID - Transitional Infill Development), of the Unified Development Ordinance to eliminate the requirement for minimum lot size.

DATE: June 30, 2022

Background

A conditional district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the adopted Land Use Plan.

Proposed Amendment

The proposed amendment seeks to eliminate the current requirement for minimum project size. The current requirement is .5 acre to 10 acres.

Benefits of Infill Development

- successful infill development improves neighborhoods, creating more efficient mixes of housing, reducing blight, and reinvesting in the community
- by reducing sprawl, infill development also conserves natural resources, protects biodiversity, and promotes watershed protection
- vacant and underdeveloped lots are readily able to be integrated, into existing infrastructure, including sewers and roads
- businesses and the municipality are able to economically benefit from the increased spending within city limits.
- vacant and abandoned lots cost a municipality money and pose numerous safety hazards, such as increased risk of fires and crime

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following actions:

1. Approval of the attached statement of consistency
2. Approval of the proposed text amendment.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for **APPROVAL** of Application

Case No. ZTA-1-2022

Applicant: City of Lincolnnton Planning Department

Request: Amend Section 153.126, (TID - Transitional Infill Development), of the Unified Development Ordinance to eliminate the requirement for minimum lot size.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincolnnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest.**

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for **DENIAL** of Application

Case No. ZTA-3-2019

Applicant: City of Lincoln Planning Department

Request: Amend Section 153.126, (TID - Transitional Infill Development), of the Unified Development Ordinance to eliminate the requirement for minimum lot size

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincoln Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest.**

AN ORDINANCE TO AMEND THE LINCOLNTON UDO TO MODIFY PROVISIONS RELATED TO MINIMUM LOT SIZE

Amend Section 153.126, (TID - Transitional Infill Development), of the Unified Development Ordinance to eliminate the requirement for minimum lot size. Newly adopted language is underlined and **highlighted in yellow** the language to be deleted is struck through and **red**.

§ 153.126 TID TRANSITIONAL INFILL DEVELOPMENTS.

(A) A request for rezoning to the TID district may be approved by the City Council subject to §§ 153.315, 153.316 and 153.127 and only after having first been reviewed by the Planning Board. A transitional infill development (TID) is a type of TND that is characterized by smaller project areas and higher density, innovative development. In addition, a TID contains residential uses only. The project size of a TID shall be **up to** ~~between one-half to~~ ten acres in area and shall contain at least three dwelling units.

(B) The Planning Board shall consider the request only after a completed application has been submitted to the Administrator. (Note: Prior to submission of the site plan and application, and prior to any disturbance of any land or vegetation it is recommended that the applicant consult with the Administrator or his or her designee in order for the applicant to be briefed on the requirements of this chapter and that consideration be given to natural features of the site.)

(C) A TID may be established only on parcels that meet all of the following criteria. A TID district is similar to a TND district, as established in § 153.125, except that the following principles may not apply to all TIDs:

- (1) Neighborhood centers shall not be required in a TID;
- (2) TIDs need not be planned to connect with neighboring developments (whether existing or planned);
- (3) TIDs need not contain a mixture of housing types; and
- (4) Common open space may not be required in smaller-sized TIDs.

(D) *Additional criteria for TIDs.*

(1) Front-loaded garages of any structured shall not be placed side by side and shall be recessed a minimum of five feet from the street side façade.

(2) Otherwise, setback and yard regulations for a TID shall be as follows.

<i>Attached Housing</i>		
<i>Setback/Height Standard</i>	<i>Minimum (ft)</i>	<i>Maximum (ft)</i>
Side yard setback (end unit only)	0	40
Rear yard setback	25	N/A
Building height	N/A	35

Front yard	The front yard setback for all principal structures facing an existing public street shall be equal to (and not exceed) the average of all front setbacks for all principal structures located on the same side of the same street within 300 feet of any portion of the tract upon which the TID is to be constructed. Notwithstanding, balconies, stoops, stairs, open porches, bay windows and awnings shall be allowed to encroach up to five feet within the required front yard setback. For all internal streets within the TID, there shall be no required front yard setbacks.
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<i>Detached Housing</i>		
<i>Setback/Height Standard</i>	<i>Minimum (ft)</i>	<i>Maximum (ft)</i>
Side yard setback	5	N/A
Rear yard setback	20	N/A
Building height	N/A	35
Front yard	The front yard setback for all principal structures facing an existing public street shall be equal to (and not exceed) the average of all front setbacks for all principal structures located on the same side of the same street within 300 feet of any portion of the tract upon which the TID is to be constructed. Notwithstanding, balconies, stoops, stairs, open porches, bay windows and awnings shall be allowed to encroach up to five feet within the required front yard setback. For all internal streets within the TID, there shall be no required front yard setback.	

(E) *Application requirements and review procedures.* Transitional infill developments are established through the conditional district process outlined in §§ 153.315 and 153.316 and the site plan submission process outlined in § 153.127 of this chapter.

ITEM #

5

REGULAR
AGENDA

ITEM #

5a

City of Lincolnton

Electric Fund Transfer Out to the General Fund Policy

Purpose

The intent of this policy is to document the City of Lincolnton's procedures regarding the transferring of funds from the electric fund into the general fund and the statutory basis for the transfer(s).

Definitions

Transfer: the moving of money from one fund to another and can take the form of an appropriation or as a loan.

Indirect Costs: (Enterprise Administration Costs) costs that benefit more than one cost objective and are reasonably allocable to the electric system. These costs are generally administrative and support costs paid within the General Fund.

Transfer Authority: only the governing board have the authority to transfer funds between the Enterprise Fund (Electric) and the General Fund.

Policy

1. The City of Lincolnton established this policy and shall follow **G.S. 159B-39 – Permitted uses of revenue from electric power rates**
 - a. Use revenues from the electric service to (i) pay the direct and indirect costs of operating the electric system (ii) transfer to other funds of the municipality a sum that reflects a rate of return on the investment in the electric system to the extent allowed. Any remaining revenue shall be used to produce lower rates on electric service and to make additional debt service payments related to the electric system. No transfer of revenue shall be made if not explicitly authorized by law.
 - b. The direct and indirect costs of operating the electric system include all of the following:
 - i. Debt service payments on indebtedness incurred for the electric system.
 - ii. Capital improvements or equipment for the electric system.
 - iii. Payments for the cost of power purchased under contractual arrangements.
 - iv. Debt service, maintenance, renewal, and replacement or other reserves required by legal documents entered into by the municipality in connection with the issuance of bonds or other indebtedness for the electric system.

- v. Reserves deemed necessary by the governing body of the municipality to assure that funds are available to maintain the financial and operational integrity of the electric system.
 - vi. Maintaining a rate stabilization fund to minimize the impact of periodic rate changes that would otherwise be required to reflect changes in costs of operations and demand for electric service.
 - vii. Making payments in lieu of taxes to other governmental units to reflect property taxes that would have been collected by the other governmental unit if the municipality were not the owner of the electric system.
 - viii. Making transfers to the general fund or other funds of the municipality to reimburse the general fund or other funds for costs paid from the fund that are reasonably allocable to the electric system.
 - c. The total amount transferred to other funds of the municipality authorized as a rate of return on investment shall be calculated using the amounts reported in the municipality's audited financial statements for the preceding fiscal year.
2. Full disclosure, by notice in writing, shall be made in the form of a budget amendment to the Lincolnton City Council when the need to transfer funds from the Electric Fund to the General Fund are required. The Lincolnton City Council is the only authority to delegate the transfer of moneys among different funds. No action will be taken until the Lincolnton City Council has approved the budget amendment.
 3. The City of Lincolnton maintains the following funds per **G.S. 159-26**:
 - a. General Fund (ledger designation – 10)
 - b. Electric Fund (ledger designation – 63)
 4. Interfund loans have been established within the City of Lincolnton's General Fund to reimburse the Electric Fund, plus interest at a rate of 1.5%. The interfund loans are for a fifteen year period and are paid annually.

ITEM #

5b

CITY COUNCIL

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

**CITY MANGER**

Richard Haynes
rhaynes@lincolntonnc.org

CITY CLERK

Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)

CITY ATTORNEY

Thomas J. Wilson, Jr.

BA-05-22

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, 2022.

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

General Expense	\$	(432)
Police		2,250
Recreation		(95,000)
	\$	(93,182)

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

Grants - Other	\$	(92,750)
Insurance Settlement		3,368
Federal Equitable Deposits		(3,800)
	\$	(93,182)

General Fund: (1) Record NCLM Soft Body Armor Grant received by the Police Department. (2) Reclass grant funding for the Rail Trail Plaza Project to an unearned income line for year-end. (3) Reclass Federal Equitable Revenue to an unearned income line for year-end.

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

Wastewater Treatment Plant	\$	91,697
	\$	91,697

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

Other Operating Revenues	\$	91,697
	\$	91,697

Water and Sewer Fund: Record the final payment from NCDPS for the NC Severe Storms, Flooding, Landslides, and Mudslides Grant declared on 10/29/2013.

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

SCIF Grants	\$	(357,240)
	\$	(357,240)

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

SCIF Grants	\$	(357,240)
	\$	(357,240)

Special Revenue Fund: Reclass SCIF grant funding into an unearned revenue line for year-end.

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.

Section 18: 2021-2022 Year-end budget adjustments and authorization to make amendments that may result from adjustments made by auditors to entries, with a report being made to Council at the next scheduled meeting.

TOTAL AMENDMENT	\$	(358,725)
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Adopted this 30th day of June, 2022

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

ITEM #

6

OTHER
BUSINESS

ITEM #

6a

CASE_NO	CASETYPE	CASESUBTYPE	CASE_NAME	SITE_ADDR	STARTED	STATUS	Inspections
LCE21-00095	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Solid Waste/overgrown	109 KENNEDY DR	06/24/2021	OPEN	25
LCE21-00096	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Minimum Housing	1122 E LINCOLN ST	06/24/2021	OPEN	2
LCE21-00099	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Junk Vehicles & Rubbish around the home.	1622 LABORATORY RD	07/20/2021	OPEN	23
LCE21-00118	CODE ENFORCEMENT	SOLID WASTE	Solid Waste/overgrown	1492 RHODES RHYNE RD	08/04/2021	OPEN	23
LCE21-00150	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Electrical Issues, Roof Issues, Heating & Air	113 JULIA DR	09/15/2021	OPEN	1
LCE21-00165	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		1015 E PINE ST	09/17/2021	OPEN	1
LCE21-00168	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		812 S ASPEN ST	09/17/2021	OPEN	1
LCE21-00170	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE		130 DR MARTIN LUTHER KING JR DR	09/17/2021	OPEN	2
LCE21-00191	LINCOLNTON CODE ENFORCEMENT	ZONING	Accessory structure without permit	907 TERRA COTTA DR	11/19/2021	OPEN	2
LCE21-00193	LINCOLNTON CODE ENFORCEMENT	MINIMUM HOUSING	Minimum Housing / Abandoned structure.	128 E CARTER ST	12/02/2021	OPEN	2
LCE22-00006	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE	Abandoned Structure	817 E SUMNER ST	01/07/2022	OPEN	2
LCE22-00010	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Tree limbs in the street.	321 E RHODES ST	02/10/2022	OPEN	5
LCE22-00011	LINCOLNTON CODE ENFORCEMENT	ABANDONED STRUCTURE	Home was involved in a fire. Home is abandoned.	709 E CATAWBA ST	02/10/2022	OPEN	2
LCE22-00020	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Solid Waste	2531 N ASPEN ST	04/25/2022	OPEN	4
LCE22-00023	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Overgrown grass	320 W PINE ST	05/10/2022	OPEN	1
LCE22-00024	LINCOLNTON CODE ENFORCEMENT	NUISANCE	RV Used As Residence and solid waste	407 MASSAPOAG RD	05/12/2022	OPEN	3
LCE22-00054	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Overgrown grass	ELIZABETH AV	05/20/2022	OPEN	1
LCE22-00056	LINCOLNTON CODE ENFORCEMENT	ZONING	RV Used As Residence.	HARRISON SANDERS LN	05/27/2022	OPEN	1
LCE22-00057	LINCOLNTON CODE ENFORCEMENT	ZONING	RV Used As Residence.	1614 SIGMON ST	06/02/2022	OPEN	2
LCE22-00058	LINCOLNTON CODE ENFORCEMENT	NUISANCE	Overgrown grass	W WATER ST	06/02/2022	OPEN	2
	LINCOLNTON PLANNING DEPT.	LIVESTOCK VIOLATION	GOATS AND TURKEYS IN FRONT YARD	200 hubbard street	06.02.2022	OPEN	1
	LINCOLNTON PLANNING DEPT.	LIVESTOCK VIOLATION	CHICKENS (Smell and coop may be too close to property line)	208 E. Rhodes Street	06.01.2022	OPEN	1