A G E N D A

LINCOLNTON CITY COUNCIL

Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

June 29, 2023

7:00 p.m.

Council Chambers

City hall

LINCOLNTON
AGENDA
June 29, 2023
7:00 PM

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

1. AGENDA APPROVALS

1a Approval of REGULAR AGENDA

1b Approval of CONSENT AGENDA

- **June 1, 2023 Regular Meeting Minutes**

2. PUBLIC COMMENT

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

SPECIAL RECOGNITIONS

3. PUBLIC HEARINGS

3a CZ-4-2023 Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning of 10.637 acres of land from General Manufacturing and Commercial (GMC) District to Residential-25 Conditional District (R-25 CD) for the purpose of constructing ten (10) single family dwellings. The subject property is located on both South Grove Street Ext. and Burris Blvd. (Parcel ID 54844).

Jean Derby, Planning Director

3b CZ-5-2023 Application from Bean Brothers Real Estate LLC requesting revisions to an approved conditional zoning plan (CZ-10-22). The applicant is requesting approval to change the plan in regards to fence location, screening requirements, and landscaping requirements. The subject property is located at the southeast corner of Reepsville Road and Lore Road (Parcel ID 00512)

Jean Derby, Planning Director

3c ZTA-2-2023 ZTA-2-2023 Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Jean Derby, Planning Director

4. REGULAR AGENDA

4a BA-04-23 Approval of an amendment to the Annual Budget Ordinance for the fiscal year ending June 30, 2023

Pamela McBryde, Finance Director

4b O-09-23 Amendment to City Code of Ordinances-Chapter 52: Sewers - General Provisions - 52.006 Maintenance of Building Service Line

David Ramsey, Business Services Director

4c Consideration/Approval of Recommended change to Fee Schedule as it pertains to customers who refuse to provide social security numbers when applying for service

David Ramsey, Business Services Director

5. REGULAR AGENDA - CONTINUED

5a Consideration/Approval of Yearly Compression Adjustment (YCA) Administrative Policy
Tanya Osborne, Human Resources Director

5b Approval of State Aid to Airports Agreement between NCDOT and the Lincolnton-Lincoln County Regional Airport Authority
Ritchie Haynes,City Manager

6. OTHER BUSINESS

6a Manager's Update/Activity Report

Ritchie Haynes, City Manager

NEWS MEDIA

CLOSED SESSION
In accordance with NCGS 143-318.11(a)(5)(6)

ADJOURNMENT

The Mayor and City Council met in regular session on Thursday, June 1, 2023 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, asking everyone to stand for a moment of silence before leading the Pledge of Allegiance.

Councilmember Poinsette made a motion to approve the *REGULAR AGENDA.* Members voted 4-0 in favor of the motion.

Councilmember Jetton made a motion to approve the *CONSENT AGENDA* as follow:

- Meeting Minutes – May 4, 2023 Regular Meeting
- Contract – Services between the Lincolnton Housing Authority and the Lincolnton Police Department

Members voted 4-0 in favor of the motion.

Public Comment

Mr. Trent Mason spoke during the public comment portion of the meeting expressing his thoughts regarding the local Habitat for Humanity project, the Farmers Market and the Bosch Expansion announcement.

PUBLIC HEARING

CZ-2-2023
Application from Adam Jacob Whitener requesting
A Conditional District Rezoning from Planned Business (PB)
District to General Business Conditional District (GC-CD)

Mayor Ed Hatley opened the public hearing for the first agenda item. Planning Director Jean Derby reviewed the request for the rezoning before council. Ms. Derby disclosed that the purpose for the rezoning and the location of the property. She provided detailed background information on the actual site and the area surrounding the site. The current zoning map, aerial views and street views were displayed and referenced. Ms. Derby went over the site plan stating that no additional buildings will be constructed but seven new parking spaces will be added for employees and customers and four spaces for vehicle display.

Ms. Derby continued with Staff Review Committee comments informing that NC DOT will not require a driveway permit, the corner will need to clear for sight distance with a 10X70 sight triangle and that the driveway apron needs to be 15' of pavement from the road a minimum of 24' wide. She stated that the land use plan shows the property in the Residential Suburban Planning Area and noted that the rezoning request would be inconsistent with the plan but amending the Land Use Plan to Planned Business could be considered.

Ms. Derby informed the council members of the Planning Boards unanimous decision to approve the project. She expressed staff's recommendation to approve the rezoning, approve the statement of consistency for approval of the rezoning request, the rezoning being effective once the Zoning Administrator receives written agreement from the applicant and property owner with the conditions of approval and amend the Land Use Plan to show the property in the Planned Business Planning Area and include the neighboring bank property (PID 00527) to be amended as well.

Mr. David Ledford and Mr. Whitener were in attendance and available to answer any questions regarding the request.

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

Councilmember Jetton made a motion to approve the request with staff recommendations. Members voted 4-0 in favor of the motion.

CZ-3-2023
Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning from General Manufacturing and Commercial (GMC) to Residential-25 Conditional District (R-25 CD)

Continuing to the next item, Mayor Ed Hatley opened the public hearing. Planning Director Jean Derby reviewed the request, reminding members that it was previously submitted as regular rezoning. She explained that based on the wishes of both the Council and the surrounding neighbors, the applicant is now submitting a conditional zoning request for the property. Ms. Derby gave a detailed description of the site, as well as the eight (8) single family home lot project being proposed. She provided the current zoning map, aerial views and street views of the property. Ms. Derby reported that the current land use plan shows the property in the Industrial Planning Area, with staff recommending that it be amended to the Residential Suburban. Ms. Derby assured that because the request is a conditional zoning, the site plan presented would have to be followed and any changes would require Council approval.
The Staff Review Committee had the following comment:

No driveway permits required for residential lots that tie directly to state maintained routes. Require that lot #1 be required to only have access from Burris Blvd. Similar to lots 2-7.

Ms. Derby reviewed the Proposed Consistency and Reasonableness statement and listed the following actions recommended by staff:

- Approval of the request for rezoning from GMC to the R25-CD subject to the staff review committee comments being made conditions of approval

- Approval of the statement of consistency for approval of the rezoning request

- The rezoning being effective once the Zoning Administrator received a written agreement from the applicant and property owner with the conditions of approval

- Amend the Land Use Map to show the property in the Residential Suburban Planning Area

Ms. Derby noted that the Planning Board did vote 7-0 in favor of approval of the request. Council members were also informed that the applicant was in attendance and available to answer any questions regarding the request.

Councilmember Tipton 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 request as recommended by staff. Members voted 3-1 in favor of the motion.
Councilmembers Demeny, Poinsette and Tipton voted in favor of the request, and Councilmember Jetton voted against.

O-08-23
2023-2024 PROPOSED BUDGET PUBLIC HEARING
To receive public comment on the Proposed 2023-2024 Fiscal Year Budget

Mayor Ed Hatley opened the public hearing, recognizing City Manager Ritchie Haynes to speak to this agenda item. Mr. Haynes directed Councils attention to the budget ordinance in their agenda packet and briefly commented on some of the highlights of the proposed budget presented at the previous meeting. He reviewed the proposed new tax rate of .50 cents and several of the things that it will include. He also informed that there will be no rate increase in Water and Sewer Fund, nor the Electric Fund.

Mr. Haynes offered to answer any questions from council and welcomed comments from anyone in attendance wishing to express their thoughts on the proposed budget.

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

Councilmember Demeny made a motion to approve the budget presented as follows:

BUDGET ORDINANCE

AN ORDINANCE ESTABLISHING REVENUES AND AUTHORIZING EXPENDITURES FOR FISCAL YEAR 2023-2024 FOR THE CITY OF LINCOLNTON

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

SECTION 1. The following amounts are hereby appropriated in the General Fund for the operation of the City government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this City:

City Manager/Clerk	$	192,170
Human Resources		372,793
Finance		56,490
General Expense		1,968,612
General Debt Service		202,950
Police		4,323,300
Fire		2,680,950
Public Works		88,995
Street		1,324,450
Equipment Services		279,250
Solid Waste		639,275
IT General Services		382,755
Planning/Zoning		420,910
Bus & Comm. Dev		220,275
Recreation		1,304,610
		$ 14,457,785

SECTION 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

AD VALOREM LEVY	$ 7,050,000
PRIOR YEAR TAXES	50,000
NC VEHICLE TAX SYSTEM (NCVTS)	530,000
NCVTS-LICENSE FEE	175,000
DISCOUNT ON TAXES	(110,000)
INTEREST ON TAXES	20,000
LEASE/RENTAL VEHICLE TAX	22,000
LOCAL SALES & USE TAX	4,700,000
PILOT-HOUSING AUTHORITY	35,000
CONTROLLED SUBSTANCE TAX	4,000
FIREFIGHTERS RELIEF FUND TAX	4,000
ALCOHOL/BEVERAGE TAX	44,000
FRANCHISE TAX	800,000
SOLID WASTE DISPOSAL TAX	7,000
PILOT-WATER & SEWER	366,384
PILOT-ELECTRIC	34,351
LEASE REVENUE-RESTAURANT	24,000
SRO REIMBURSEMENT	150,000
CEMETERY LOT SALES	30,000
OFFICERS FEES	3,000
PD INSPECTION FEES	1,800
PARKING VIOLATIONS	4,000
ZONING DEPARTMENT FEES	10,000
FIRE DEPARTMENT FEES	15,000
REC-ADMISSION & CONCESSION	35,000
REC-REGISTRATION & ENTRY FEES	85,000
REC-VENDING MACHINE INCOME	3,000
REC-RENTAL FEES	7,000
BC&D-EVENT FEE	2,000
REC-MISCELLANEOUS REVENUE	500
INTEREST-GENERAL FUND	50,000
SALE OF CAPITAL ASSETS- GE	10,000
MISCELLANEOUS REVENUE- GF	10,000
SALES OF PERSONAL ASSETS	2,000
ABC REVENUE	90,000
ABC LAW ENFORCEMENT	20,000
MISCELLANEOUS OTHER REVENUE	3,000
WEX-FUEL REBATES	3,000
JULY 4TH DONATIONS/OTHER	13,000
VETERANS BANNER PROJECT	1,000
REVENUE-SBE PRINCIPAL	30,000
INTEREST-SBE	3,750
REIMB FROM POWELL BILL	120,000
	$ 14,457,785

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, 2023 and ending June 30, 2024 in accordance with the chart of accounts heretofore established for this City:

BOGER CITY TAX DISTRICT	$ 1,483,000

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, 2023, and ending June 30, 2024:

FIRE DISTRICT TAX	$	1,477,000
INVESTMENT INCOME		1,000
GRANTS-OTHER		5,000
		1,483,000

SECTION 5. The following amounts are hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2023, and ending June 30, 2024 in accordance with the chart of accounts heretofore approved for the City:

POWELL BILL COSTRUCTION/OTHER	$326,000

SECTION 6. **It** is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

POWELL BILL ALLOCATION	$325,000
INVESTMENT INCOME	1,000
	$326,000

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 beginningiuly 1, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore approved for the City:

WATER & SEWER FUND	$ 8,272,950

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, 2023 and ending June 30, 2024.

INVESTMENT INCOME	$
CONTRACTOR SALES TAX	2,000
CHARGES FOR SERVICE - WATER	3,610,000
CHARGES FOR SERVICE - SEWER	4,300,000
CONNECTION CHARGES	80,000
OTHER OPERATING REVENUES	180,950
	$8,272,950

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, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore approved for the City:

ELECTRIC FUND	$ 7,922,729

SECTION 10. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

INVESTMENT INCOME	$ 60,000
CONTRACTOR SALES TAX	2,000
ELECTRIC SALES	6,980,600
ELECTRIC MUNICIPAL OPERATIONS	667,875
OTHER OPERATING REVENUE	212,254
	$ 7,922,729

SECTION 13. There is hereby levied a tax rate of fifty cents ($.50) per one hundred ($100) valuation of property as listed for taxes as of January 1, 2023 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 $ 1,552,100,000 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, 2023 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.

SECTION 15. Water & Sewer Rates No Increase.

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 $

32,462,464 Adopted this 1st day of June, 2023

Members voted 4-0 in favor of the motion

Councilmember Poinsette made a motion to adopt the 2023-2024 Schedule of Fees as presented. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

C-07-23
Consideration/Approval of First Federal Plaza Project Bids

Public Services Director Nathan Eurey presented and reviewed bid contract information for the Marcia H. Cloninger Rail Trail project. Mr. Eurey informed that a bid opening was held on Thursday, May 4, 2023 in City Hall Council Chambers. Councilmembers attention was directed to the bid tabulation summary included in the agenda packet as follows:

Bidder / General Contractor	Base Bid Amount	Alter. #1 (Mortared Pavers)	Alter. #2 (Sand Set Pavers)
Houser Masonry, Inc.	$209,600.00	$57,000.00	$43,000.00
Carolina Metal Buildings, Inc.	$191,724.00	$36,200.00	$33,700.00

In conclusion, Mr. Eurey recommended the project be awarded to Carolina Metal Building Incorporated for a total of $227, 924.00 total cost. *(Base bid plus mortared pavers)* City Manager Ritchie Haynes noted that funds to cover the cost of this project came from a State grant, a Timken grant, an Electricities grant and a donation from the Lincolnton Tourism Development Authority.

Councilmember Tipton made a motion approve the recommendation as presented for Carolina Metal Building, Inc. Members voted 4-0 in favor of the motion.

C-08-23
Pyro Shows East Coast, Inc.
Contract Agreement

City Manager Ritchie Haynes presented the proposed contract agreement for the 2023 fireworks display with East Coast Inc., for their consideration and approval. Mr. Haynes informed the fireworks will be shot from City Park , as the Lincolnton High School football stadium is unavailable due to the recent upgrade to turf. That being said, he spoke to the cost of the show and explained the change in the location being the main reason for the increase. Citizens will have to view the show from the Lincolnton High School parking lot, as well as various other locations around town as the stadium will not be accessible. Mr. Haynes recommended approval of the contract with East Coast, Inc. for $17,000.00.

Councilmember Demeny made a motion to approve the fireworks contract. Members voted 4-0 in favor of the motion.

In response to a request from Lincoln County regarding several items related to the collection of city taxes, the following resolutions were presented for councils consideration:

R-07-23
RESOLUTION TO ESTABLISH SCHEDULE OF DISCOUNTS TO BE APPLIED TO TAXES PRIOR TO THE DUE DATE

WHEREAS, Section 105-360 of the North Carolina General Statues permits governing bodies levying taxes pursuant to Subchapter II of Chapter 105 to establish a schedule of discounts to be applied to taxes paid before the due date of September 1 of the fiscal year for which such taxes are levied; and

WHEREAS, Lincoln County has for many years offered taxpayers a discount of two percent (2%) for early payment of such taxes; and

WHEREAS, the City of Lincolnton has agreed to adopt the same discount two percent (2%) rate as Lincoln County to citizens who pay their taxes early; and

WHEREAS, the need has arisen to clarify the procedure for application of the two percent (2%) discount in the City of Lincolnton.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The Lincolnton City Council established the period of July 1 through August 31 as the discount period for early payment of taxes levied for the fiscal year and that such early payments be discounted by two percent (2%).

2. That this resolution shall become effective upon adoption, subject to approval of the North Carolina Department of Revenue and publication in a newspaper having general circulation within the City of Lincolnton as required by N.C.G.S. 105-360 (c).

Adopted this 1st day of June, 2023

R-08-23

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE ANY REFUND OR RELEASE FOR THE CITY FOR LESS THAN ONE HUNDRED DOLLARS ($100.00)

WHEREAS, Section 105-381(b) of the North Carolina General Statues states that the governing board has the primary responsibility for approving refund and release request; and

WHEREAS, the governing body may delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars ($100.00) to the finance officer, manager, or attorney; and

WHEREAS, a finance officer, manager or attorney to whom this authority is delegated shall give a monthly report to the governing body regarding the actions taken on requests for release or refund; and

WHEREAS, all actions taken by the governing body or finance officer, manager or attorney on requests for release or refund made shall be recorded in the minutes of the governing body; and

WHEREAS, if a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in the annual settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON that any refund or release for the city that is less than one hundred dollars ($100.00) may be approved by the City Manager.

This ordinance shall become effective upon adoption.

Adopted this 1st day of June, 2023

C-09-23
Approval of Joint Tax Collection Agreement with Lincoln County Tax Department

City Manager Ritchie Haynes also presented an Interlocal agreement between Lincoln County and the City of Lincolnton for tax collection. Mr. Haynes explained that this agreement allows Lincoln County tax department to collect taxes for the City of Lincolnton.

Order of Collection for the 2023-2024 Taxes

The order of collection was presented for council approval as follows:

ORDER OF COLLECTION

State of North Carolina City of Lincolnton

TO: The Tax Administrator of Lincoln County

Pursuant to North Carolina General Statute #105-321(b), you are here by authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the Office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Lincolnton, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayer, for and on account thereof, in accordance with law.

Because items 4c, 5a, 5b and 5c were all related to the contact/agreement with Lincoln County for the collection of taxes, all four (4) documents were considered and voted on together.

Councilmember Tipton made a motion to approve (adopt) items 4c, 5a, 5b & 5c as presented. Members voted 4-0 in favor of the motion.

Adoption of the City of Lincolnton 2023-2024 Salary Schedule/Schedule of Budgeted Positions

Human Resources Director Tanya Osborne presented the 2023-2024 Salary Schedule/Schedule of Budgeted positions to council for approval. Ms. Osborne gave a brief overview of this annual process, the revisions included in the request and what action is needed.

Councilmember Jetton made a motion to approve the adoption of the Salary Schedule/Schedule of Budgeted positions. Member voted 4-0 in favor of the motion.

OTHER BUSIINESS

Manager's Report/ Activity Update

City Manager Ritchie Haynes presented his monthly report to council. He distributed information received from the Retirement System and he briefly spoke to the housing report from LEDA. Mr. Haynes also provided council members with a copy of a report from Brian Greene on the task and accomplishments in April regarding the homeless and vagrancy issues.

Continuing with his report, Mr. Haynes mentioned the success of the recent Alive After Five concert and First Friday Recycling. He also publicly thanked the families of the employees that service the city in all of the various position and capacities and recognize the sacrifice they have made over the years.

NEWS MEDIA:

Mayor Ed Hatley opened the floor for questions from the media. In response to a question from Michael Powell, staff reporter with the Lincoln Times News, Public Service Director Nathan Eurey provided more details on the what and where of the First Federal Park Project.

CLOSED SESSION:

In accordance with NCGS 143-318.11(a)(5), Councilmember Jill Tipton made a motion to enter into closed session to discuss property acquisition.

ADJOURNMENT:

Councilmember Jill Tipton made a motion to adjourn. Members voted 4-0 in favor of the motion.

_______________________________ _____________________________

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

MEMO TO: Mayor and City Council

FROM: City of Lincolnton Planning Department

SUBJECT: CZ-4-2023-Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning from General Manufacturing and Commercial (GMC) District to Residential-25 Conditional District

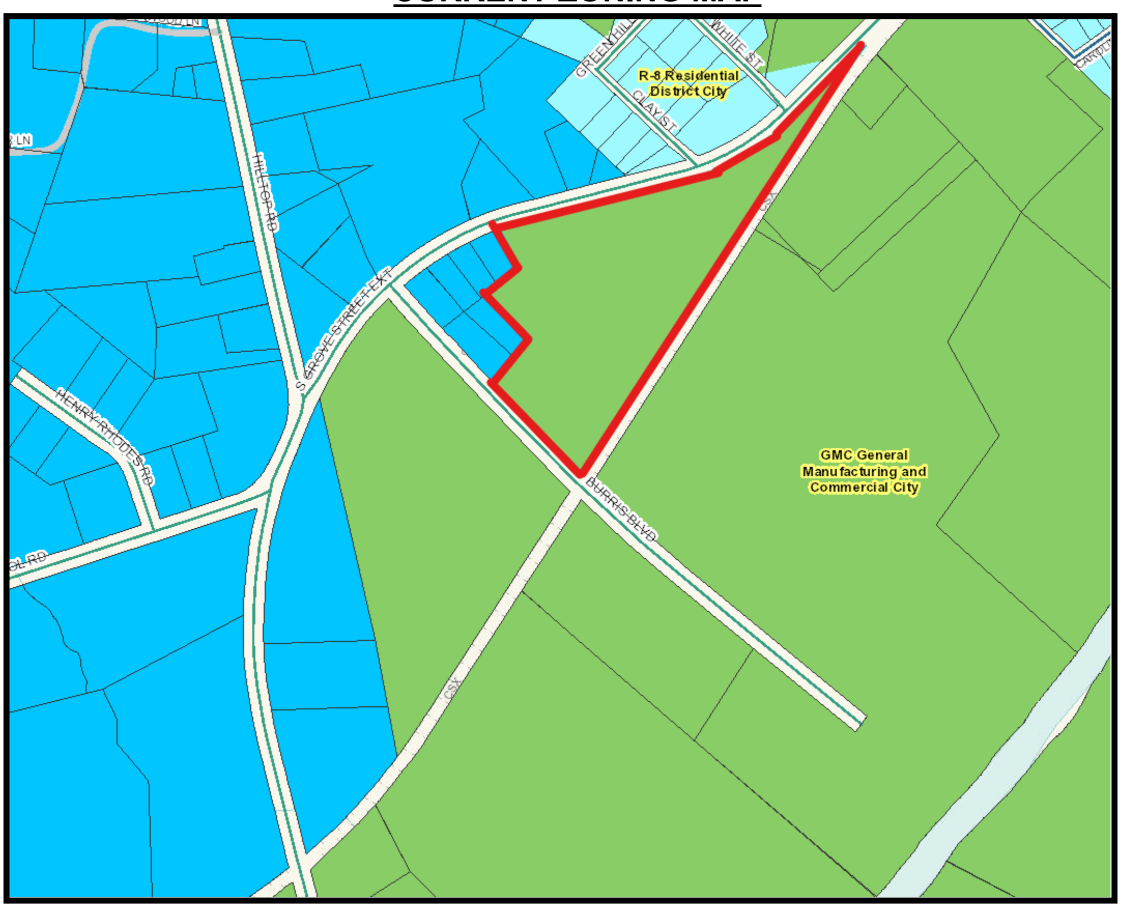
DATE: June 29, 2023

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of 10.637 acres of land from General Manufacturing Commercial (GMC) District to Residential-25 (R25-CD) Conditional District for the purpose of building 9 single family dwellings. The subject property is located at Burris Boulevard at the intersection of S. Grove Street (Parcel ID 54844).

The subject property is vacant land. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by GMC and Residential-25 zoning.

CURRENT ZONING MAP



<u>AERIAL VIEW</u>

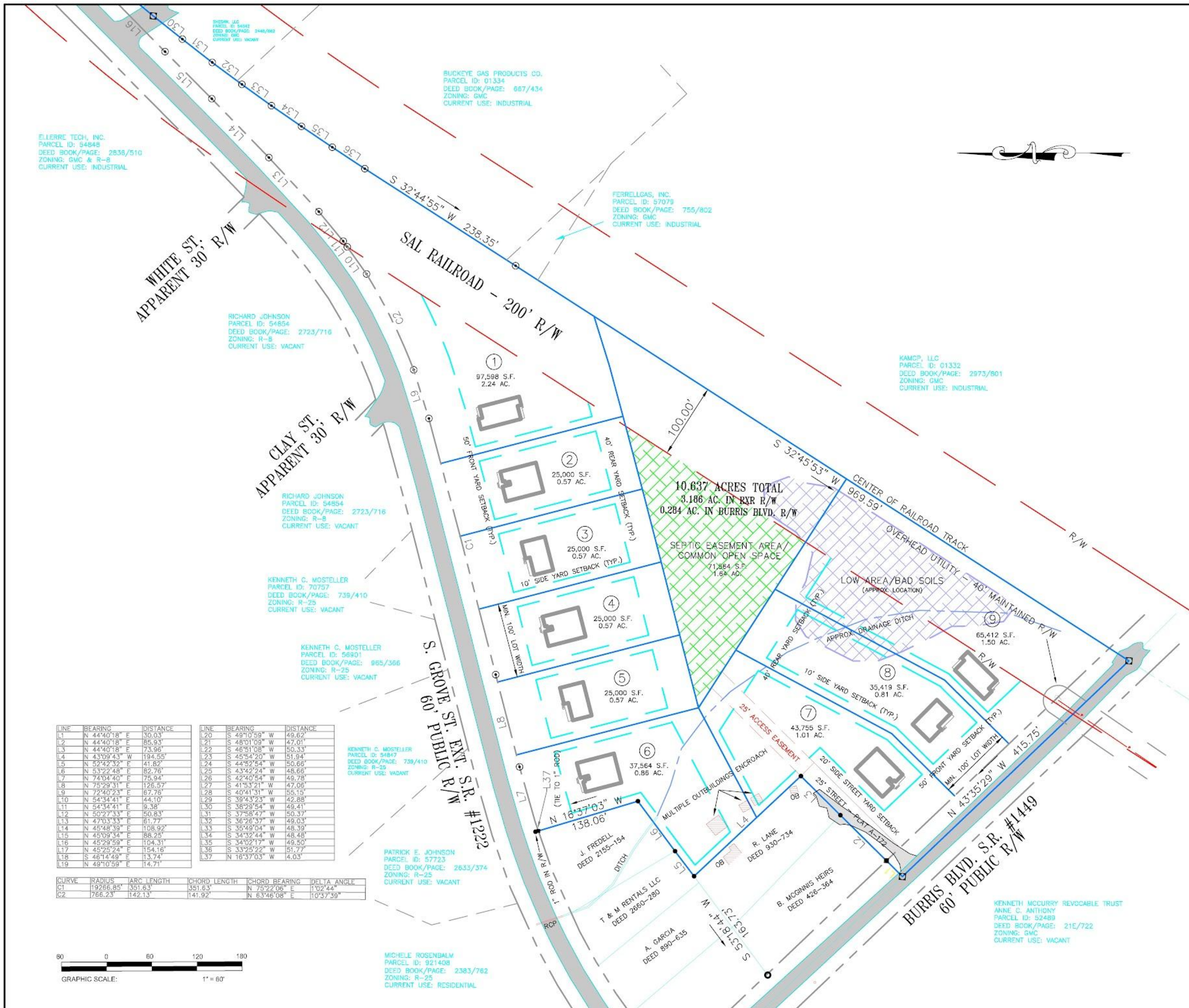
STREET VIEW

From S. Grove

From Burris

PROJECT DETAILS

- 9 lots ranging from .57 acres to 2.24 acres
- All single family homes
- City water and septic tanks



LINE	BEARING	DISTANCE
L1	N 44°40'18" E	30.03'
L2	N 44°40'18" E	85.93'
L3	N 44°40'18" E	73.96'
L4	N 43°09'43" W	194.55'
L5	N 52°42'32" E	41.82'
L6	N 53°22'48" E	82.76'
L7	N 74°04'40" E	75.94'
L8	N 75°29'31" E	126.57'
L9	N 72°40'23" E	67.76'
L10	N 54°34'41" E	44.10'
L11	N 54°34'41" E	9.38'
L12	N 50°27'33" E	50.83'
L13	N 47°03'33" E	61.77'
L14	N 45°48'39" E	108.92'
L15	N 45°09'34" E	88.25'
L16	N 45°29'59" E	104.31'
L17	N 45°25'24" E	154.16'
L18	S 46°14'49" E	13.74'
L19	N 49°10'59" E	14.71'

LINE	BEARING	DISTANCE
L20	S 49°10'59" W	49.62'
L21	S 48°01'09" W	47.01'
L22	S 46°51'08" W	50.33'
L23	S 45°54'20" W	51.94'
L24	S 44°52'54" W	50.66'
L25	S 43°42'24" W	48.66'
L26	S 42°40'54" W	49.78'
L27	S 41°53'21" W	47.06'
L28	S 40°41'31" W	55.15'
L29	S 39°43'23" W	42.88'
L30	S 38°29'54" W	49.41'
L31	S 37°58'47" W	50.37'
L32	S 36°26'37" W	49.03'
L33	S 35°49'04" W	48.39'
L34	S 34°32'44" W	48.48'
L35	S 34°02'17" W	49.50'
L36	S 33°25'22" W	51.77'
L37	N 16°37'03" W	4.03'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	19266.85'	351.63'	351.63'	N 75°22'06" E	1°02'44"
C2	766.23'	142.13'	141.92'	N 63°46'08" E	10°37'39"

APPLICANT INFORMATION:

CAROLINA ELITE BUILDERS, LLC
205 SOUTH ACADEMY STREET
LINCOLNTON, NC 28092

CONTACTS: IGOR SHIPER
274-3200

PARCEL INFORMATION:

PARCEL ID #: # 54844
PARCEL PIN #: # 3622572626
OWNER: LINCAR INVESTMENTS, LLC
2220 SHUFORD ROAD
LINCOLNTON, NC 28092
ADDRESS: SOTH GROVE STREET
LINCOLNTON, NC
LINCOLN COUNTY
TOTAL ACREAGE: 9.574 AC. (10.637 AC. TOTAL)
DEED BOOK: 1993 DEED PAGE: 624
EXISTING ZONING: GMC
PROPOSED ZONING: R-25 CONDITIONAL USE
PROPOSED USE: SINGLE FAMILY HOME LOTS
MIN. LOT SIZE: 25,000 S.F. LOT SIZE
100' MIN. LOT WIDTH
BUILDING SETBACKS:
FRONT YARD SETBACK 50' MIN.
(PUBLIC WATER / SEPTIC TANK)
SIDE YARD SETBACK 10' MIN.
SIDE STREET YARD SETBACK 20' MIN.
REAR YARD SETBACK 40' MIN.
WATERSHED: WS-IVP WATERSHED
FLOODPLAIN: NO FLOODPLAIN ON-SITE

PLAN DESIGN INFORMATION:

SITE DEVELOPMENT:
J. DAVID LEDFORD, RLA
2730 MAIDEN HIGHWAY
LINCOLNTON, NC 28092
CONTACT: DAVID LEDFORD, RLA
(704) 530-7880
SURVEYING:
HELTON SURVEYING & MAPPING, PLLC
3579 ANDERSON MOUNTAIN ROAD
MAIDEN, NC 28650
CONTACT: JACOB W. HELTON, PLS, CFS
(704) 634-9354

811 Know what's below. Call before you dig.

J.DAVID LEDFORD, RLA
LANDSCAPE ARCHITECTURE LAND PLANNING SEDIMENT EROSION CONTROL STORMWATER PLANNING
2730 Maiden Highway
Lincolnton, NC 28092
jdavidledford@yahoo.com
CELL (704) 530-7880

J. DAVID LEDFORD 1157 05-25-23

PLAN DATE:	05/12/23		
DRAWN BY:	JDL		
CHECKED BY:	JDL		
REVISIONS:			
#1	05/25/23	CLP	

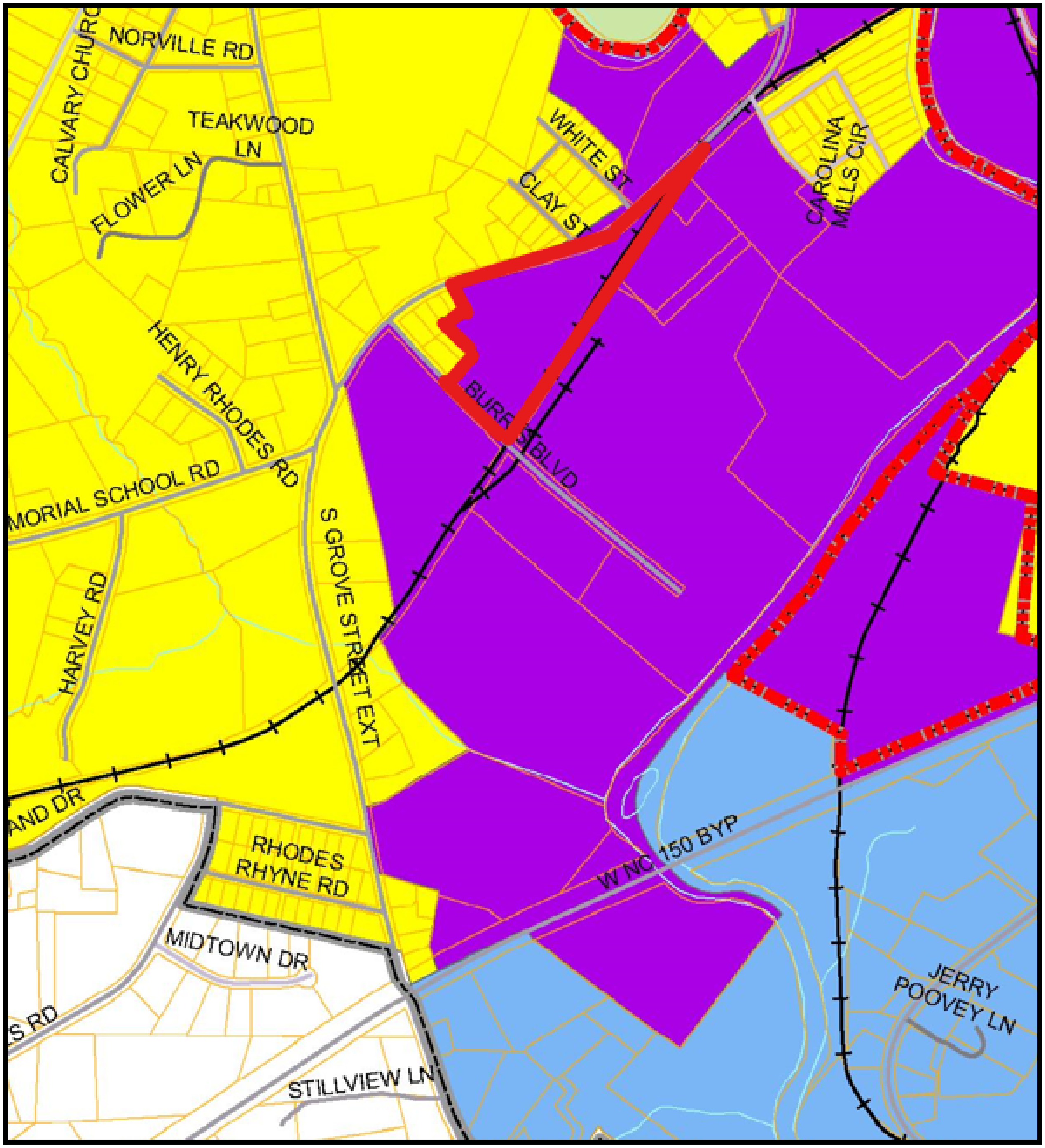
PRELIMINARY PLAN OPTION #1

BURRIS NORTH SUBDIVISION

BURRIS BLVD., LINCOLNTON, NC

DRAWING NUMBER: S1

LAND USE PLAN COMPLIANCE



Land Use Code and Description

- CB, Central Business
- CBT, Central Business Transitional
- GB, General Business
- IND, Industrial
- IO, Institutional Office
- MURC, Mixed Use Residential/ Commercial
- NB, Neighborhood Business
- NBC, Neighborhood Business Corridor
- PB, Planned Business
- RHD, Residential High Density
- ROS, Recreation/ Open Space
- RR, Rural Residential
- RS, Residential Suburban
- TSF, Traditional Single-Family

The land use plan shows the property in the **Industrial Planning Area**.

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 viewsheds from these thoroughfares. Adaptive reuse of older manufacturing buildings (for both manufacturing and other compatible non-industrial uses) is also encouraged.

Residential Suburban These planning areas are primarily single-family in character and where 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 twenty years. Most new single-family residential development within Lincolnton is likely to occur in such areas.

The proposed rezoning request would be inconsistent with the Land Use Plan. However, the area surrounding the property is primarily zoned for residential development and the owner is requesting to use it for residential purposes. Amending the Land Use Plan to Residential Suburban could be considered.

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. Erosion control plans must be submitted to and approved by Lincoln County Soil and Erosion prior to development.

PLANNING BOARD VOTE

5-0 in favor

STAFF AND PLANNING BOARD RECOMMENDATION

Staff recommends the following actions:

- approval of the request for rezoning from GMC to the R25-CD subject to the staff review committee comments being made conditions of approval,

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

- the rezoning being effective once the Zoning Administrator receives written agreement from the applicant and property owner with the conditions of approval

- Amend the Land Use Map to show the property in the Residential Suburban Planning Area

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

Case No. CZ-4-2023

Applicant: Carolina Elite Builders

Parcel ID#: 54844

Location: S. Grove Street

Request: Rezone from GMC to R25-CD

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Industrial Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan but is reasonable in the following way:

A large portion of the area surrounding the property is primarily zoned for residential development and the owner is requesting to use it for residential purposes

Land Use Plan states:
STRATEGY R-B2: Allow for a mix of lot sizes in individual zoning districts in order to promote affordability.

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-4-2023

Applicant: Carolina Elite Builders

Parcel ID#: 54844

Location: S. Grove Street

Request: Rezone from GMC to R25-CD

Proposed Consistency and Reasonableness Statement:

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

MEMO TO: Mayor and City Council

FROM: City of Lincolnton Planning Department

DATE: June 29, 2023

SUBJECT: CZ-5-2023 - Application from Bean Brothers Real Estate LLC requesting an amendment to their site plan that was approved as part of a conditional zoning change.

Background

In December of 2022, Bean Brothers Real Estate LLC requested a conditional zoning from R-25 to GMC-CD of 2.109 acres to construct a storage facility, mulch yard and parking for the adjacent Home and Garden Center and was approved by City Council. The subject property is located at the southeast corner of Reepsville Road and Lore Road (Parcel ID 00512).

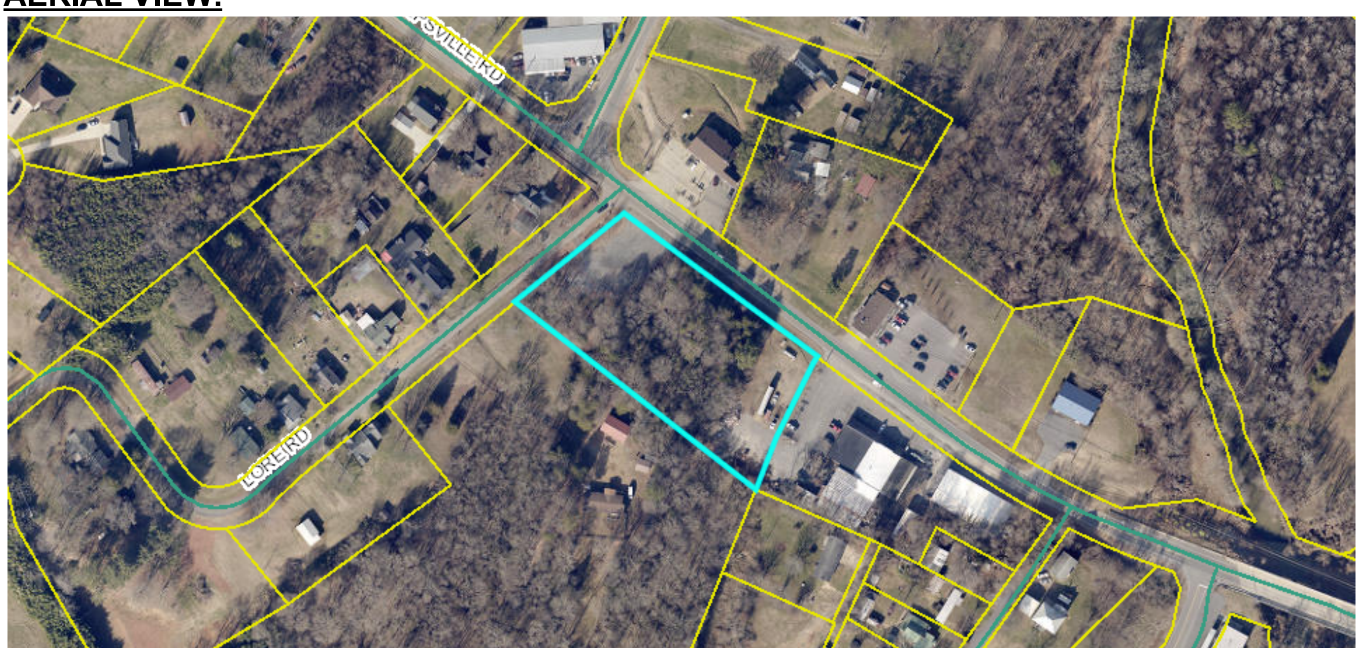
CONDITIONAL ZONING

Because this approved rezoning was to a conditional zoning district, 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.

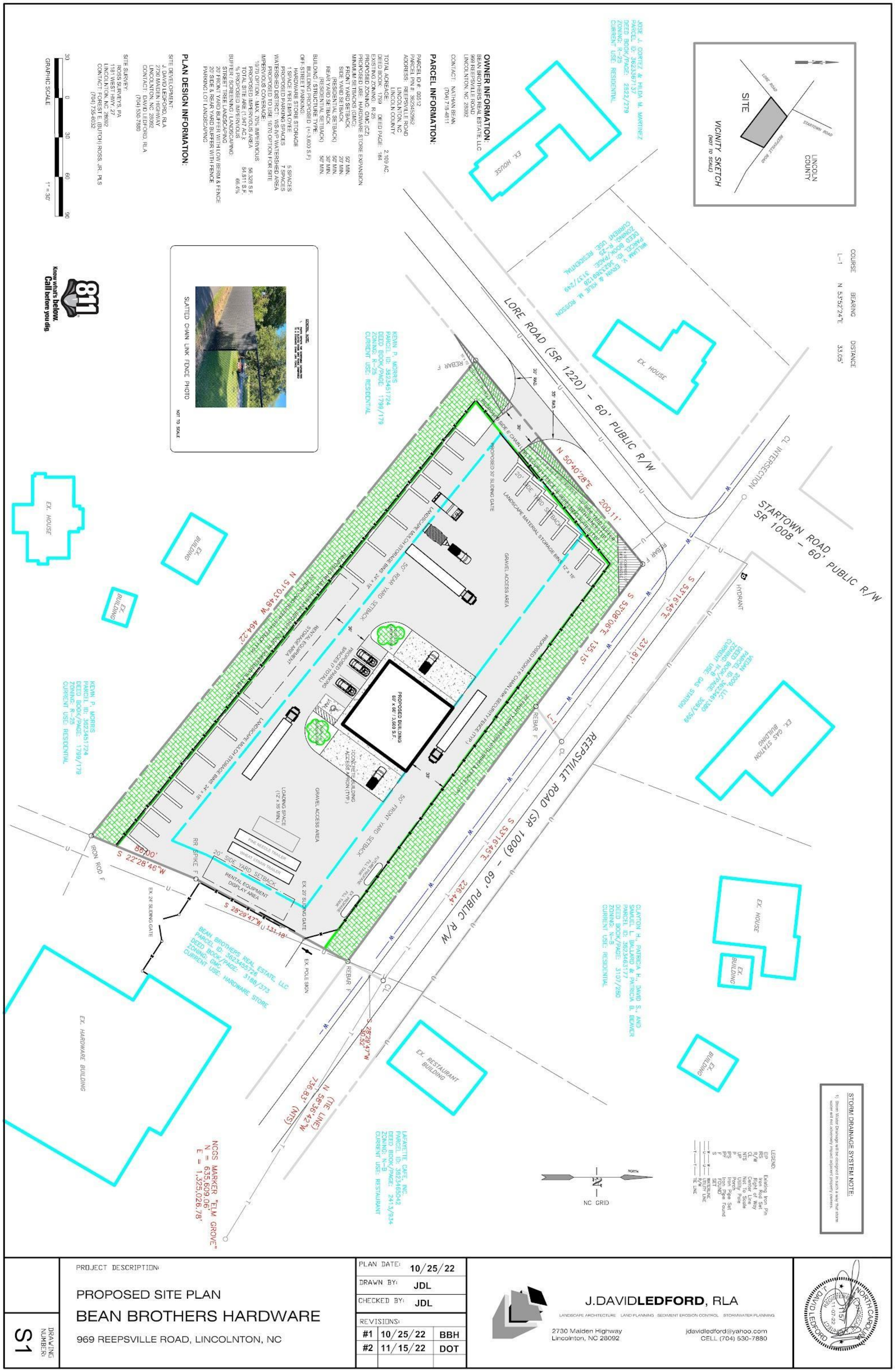
The applicant was approved to construct the following:

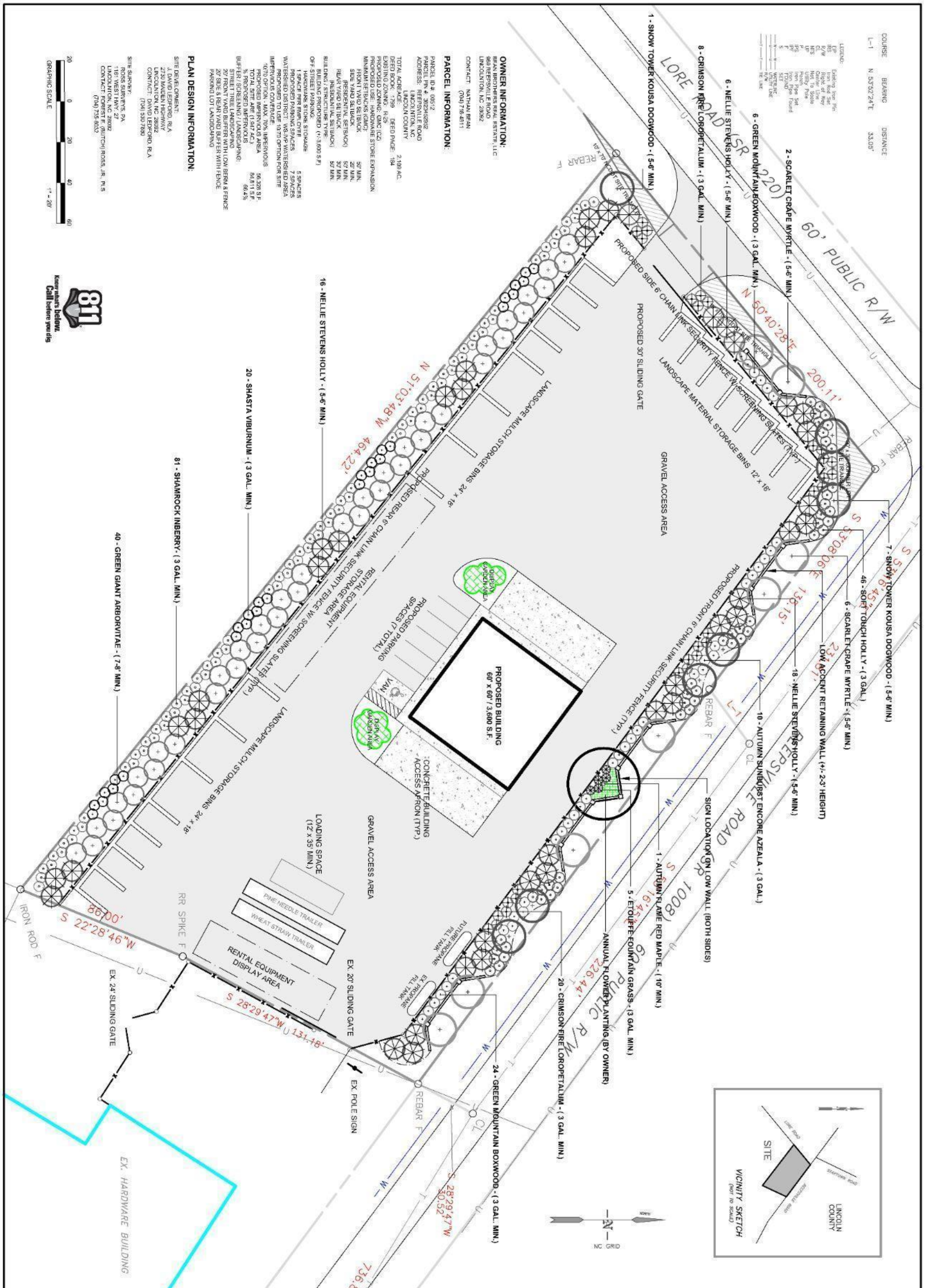
- 3,600 square foot storage building
- As required by the UDO, there will be a screening buffer between residential areas
- Mulch yard
- One access point onto Lore Road
- 19 parking spaces
- Rental equipment storage area
- Rental equipment display area

AERIAL VIEW:



SITE PLAN:


PROJECT DESCRIPTION:
PROPOSED SITE PLAN
BEAN BROTHERS HARDWARE
969 REEPSVILLE ROAD, LINCOLNTON, NC
DRAWING NUMBER:
S1
PLAN DATE: 10/25/22
DRAWN BY: JDL
CHECKED BY: JDL
REVISIONS:
#1 10/25/22 BBH
#2 11/15/22 DOT
J.DAVIDLEDFORD, RLA
2730 Maiden Highway
Lincolnton, NC 28092
jdavidledford@yahoo.com
CELL (704) 530-7880
REEPSVILLE ROAD (SR 1008) - 60' PUBLIC R/W
LORE ROAD (SR 1220) - 60' PUBLIC R/W
STARTOWN ROAD SR 1008 - 60' PUBLIC R/W
NC GRID



PROJECT DESCRIPTION:

PROPOSED LANDSCAPE PLAN

BEAN BROTHERS HARDWARE

969 REEPSVILLE ROAD, LINCOLNTON, NC

DRAWING NUMBER: S2

PLAN DATE:	10/25/22	
DRAWN BY:	JDL	
CHECKED BY:	JDL	
REVISIONS:		
#1	10/25/22	BBH
#2	11/15/22	DOT
#3	11/23/22	BBH
#4	11/29/22	DOT

J.DAVID**LEDFORD**, RLA

LANDSCAPE ARCHITECTURE · LAND PLANNING · SEDIMENT EROSION CONTROL · STORMWATER PLANNING

2730 Malden Highway
Lincolnton, NC 28092

jdavidledford@yahoo.com
CELL (704) 530-7880

APPLICANT IS REQUESTING THE FOLLOWING:

Dear City of Lincolnton & Lincolnton County,

My name is Nathan Bean, owner of Bean Brothers Hardware & Supply along with Bean Brothers Landscaping. Both companies operate out of 969 Reepsville Rd, Lincolnton NC. We purchased Carolina Hardware in August Of 2022. We knew we'd grow out of ourselves very soon and inquired purchasing the wooded, vacant lot adjacent to us. About one third of the property was fenced in and was leased to Carolina Hardware for the last 30 plus years. It had a propane tank located near the road, a straw trailer, a pine needle bin, small utility trailers, asphalt, and mulch bins. It was Leased by Rosters Oil to Carolina Hardware for commercial use for 30 plus years while it was zoned residential. Rosters Oil owned the land for years. So with the new growth and expansion we decided to have our Grand Opening March 25th. So we pushed to have the yard cleared and ready to use by our Grand Opening. We have over $500,000 in these 2 acres. We have over $27,000 in the fence. The additional fence is tided into the old existing fence that has been there for 30 years. The old fence was even on the neighbors property, which we removed. There is also asphalt in the buffer on the rear of the lot in the nature area. To remove the fence, replace new poles, concrete, move materials around would cost us an additional $7,500. We have spoken with the neighbors and they are extremely pleased with the updates. They however did express concerns over shrubs in the front of the lot and did not want to see them there. We also used mesh privacy netting instead of the metal slats. We did this for two reasons. The metal was going to be four times more expensive and it was on back order almost 18 weeks. I was waiting to move any further on the project until our meeting. We would like the County and City to approve the condition of the lot that it is in minus a couple of details we intend to do.

1) DOT driveway permit and installation.
2) Installing pipes to connect water on Lore Rd and cover with dirt to plant grass instead of having a large ditch.
3) Bringing in top soil and planting grass near the stop sign.
4) Installing new gate on Lore Rd.
5) Installing more shrubs and trees along the back side of property minus where existing asphalt is.

CHANGES FROM SITE PLAN

1 - The Water Supply Watershed Protection Act requires development to be less than 70% impervious surface. The initial plan was at 66.4% impervious surface. With the fence in the incorrect location, it puts the project at 78% impervious surface. We are required by state law to enforce these provisions.

NCGS 143-214.5 STATES THE FOLLOWING:

(f) State Enforcement Authority. - The Commission may take any appropriate preventive or remedial enforcement action authorized by this Part against any person who violates any minimum statewide water supply watershed management requirement.
(g) Civil Penalties. - A local government that fails to adopt a local water supply watershed protection program as required by this section or willfully fails to administer or enforce the provisions of its program in substantial compliance with the minimum statewide water supply watershed management requirements shall be subject to a civil penalty pursuant to G.S. 143-215.6A(e). In any area of the State that is not covered by an approved local water supply watershed protection program, any person who violates or fails to act in accordance with any minimum statewide water supply watershed management requirement or more stringent management requirement adopted by the Commission for a critical water supply watershed established pursuant to this section shall be subject to a civil penalty as specified in G.S. 143-215.6A(a)(7).
The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

2 - There is no street landscaping on the frontage along Reepsville Road. Site plan shows street landscaping in accordance with the ordinance.

ORDINANCE STATES THE FOLLOWING:

(B) Street landscaping,

(1) Street landscaping off the street right-of-way and behind the sight triangle shall be required in the ROS, OR, OI, NB, GB, CC, HB, PB, GMC and GI Zoning Districts along all thoroughfares.

(2) The landscaping shall be provided in a designated landscaping area which shall include, as width, at least the first 12 feet of the front yard and side yard as measured from the edge of the street right-of-way line. Per 100 linear feet of landscaping, there shall be, at a minimum, four small trees and 12 shrubs, or four large trees. The remaining portion of the landscaped area shall be improved with ground covers or natural mulching materials. No part of the landscaped area shall be left as bare soil. It shall be the responsibility of the owner of the property and any tenant of the property to maintain the landscaped area in a healthy condition; to keep plant growth off roadways or otherwise from interfering with traffic visibility or safety, and to keep the landscaped area free of litter, debris, and uncontrolled weed growth. Within the designated landscaped area, landscaped decorative fences and masonry walls may be constructed no closer than six feet to the street right-of-way line and behind the sight triangle, however, the construction of the fences or masonry walls shall not relieve the developer from planting requirements except as provided in the succeeding divisions of this section.

(3) All required plantings shall be located on the street side of any fence or wall, and where berms are constructed, between the street right-of-way line and the crest of the berm. Any side devices constructed within the designated landscaped area shall be limited to the following.

(a) Berms. All earth shall be planted with ground covers except where mulching is provided for trees or shrubs. Shrubs and trees on the berms and within the designated landscaping area may be counted in planting requirements. Berms shall meet all requirements of § 153.046(C)(3) of this chapter.

(b) Fences. Fences shall be constructed of decorative wood or metal materials, designed specifically for fencing, be of a consistent pattern, and not exceed six feet in height. Metal fences shall be limited to decorative steel or iron. Utility metal fencing such as chain link fencing is not permitted within the designated landscape area. (Utility fences are permitted outside (side opposite street side) the designated landscaping area, see § 153.049 and other applicable requirements.) Wood fences shall be limited to pressure treated wood or naturally preserved species approved by the Administrator (e.g., locust and redwood). Wood fencing may be rail, picket, or opaque in construction and must be of a consistent pattern.

3- There is not any screening on Lore Road. Site plan shows screening in accordance with the ordinance.

4 - There are some trees planted on the rear property line, however it does not meet the ordinance screening requirements. Ordinance requirements, definitions and a visual diagram are below:

ORDINANCE STATES THE FOLLOWING:

§ 153.046 SCREENING.

The intent of these screening requirements shall be to create a screen between zoning districts and other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. Any screening required under this section shall materially screen the subject use between the ground level and the height of the required screening from the view of the adjoining.

(A) Screening. Screening shall be required under the following situations.

(1) Between residential and nonresidential districts. Where an OI, NB, GB, CC, HB, PB, GMC or GI District abuts a Residential (R) District, screening shall be provided on the lot(s) which are located in the OI, NB, GB, CC, HB, PB, GMC or GI District (except a residential use) at the time the lots are developed (except with a residential use) or when any existing and/or accessory structure on the lot is expanded.

(4) Open storage and open structures.

(a) Within any NB, GB, CC, HB, PB, GMC or GI District, screening shall be required for the open storage of any goods other than vending machines, retail goods left outside only during business hours, vehicles, trailers, other equipment capable of being driven on a roadway and any fixtures fastened to a building, ground or impervious surface; or for any unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment, whenever the storage or structure is located within 100 feet of the street right-of-way line.

(B) Location of screening.

(1) (a) Any screening required by division (A) shall be located along side and/or rear property lines of the lot(s) in question except that screening shall not be required along any street right-of-way unless otherwise stipulated in this chapter.

(b) If screening is required along a street right-of-way it shall be located behind the right-of-way and outside the area of the sight triangle (defined in § 153.031 of this chapter).

(C) *Specifications for screening.* Screening may be in the form of natural plantings, planted berms, walls or fences. Screening shall be encouraged, however, in the form of natural plantings. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural plantings, the natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a planted berm, wall or fence may be used. The Administrator may approve a combination of natural planting, planted berm, wall or fence, if he or she determines that the spirit and intent of this section are met by the combination. (See this section, this division (C) and division (D) below and note street landscaping requirements in this division.)

(1) *Natural plantings.*

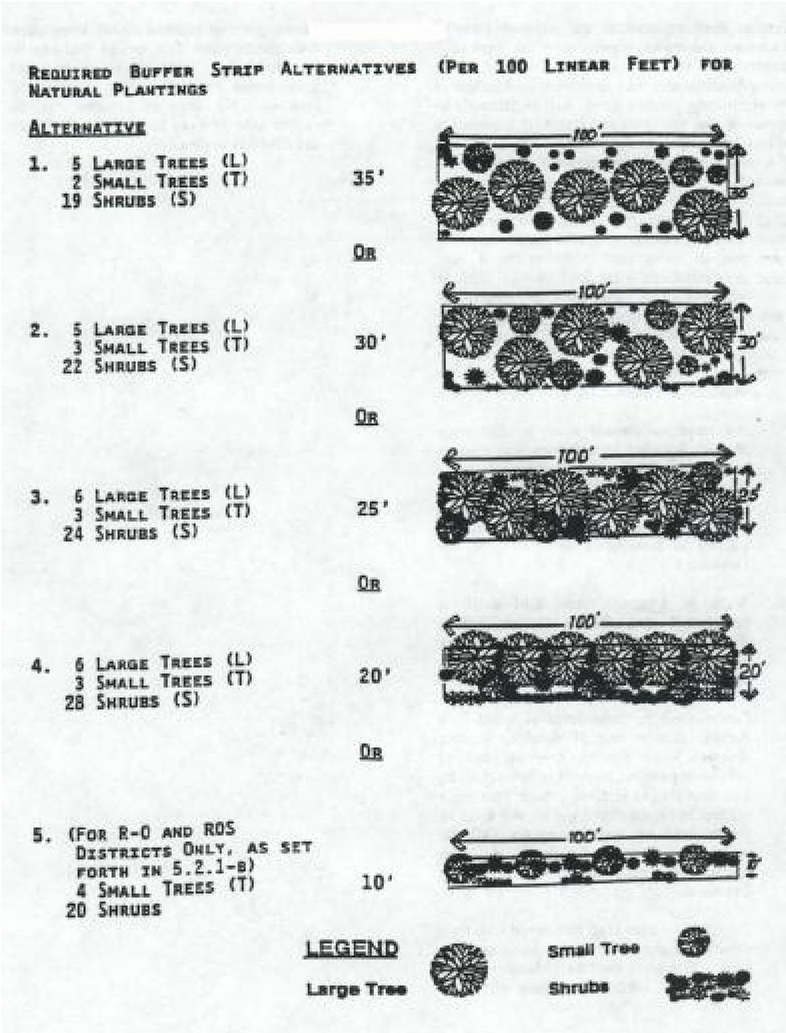
(a) Where natural plantings are used, a buffer strip of at least 20 feet in width (ten feet for a nonresidential use in the R-O District) shall be planted. This strip shall be free of all encroachment by structures, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per 100 linear feet shall be as indicated in Figure A below.

(b) All materials planted shall be free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked and planted in a manner that is not intrusive to utilities and/or pavement and planted in accordance with division (G) below of this section.

(2) *Walls or fences.*

(a) Any wall shall be constructed in a durable fashion with a finish surface of brick, stone or other decorative masonry material approved by the Administrator.

(b) Fences shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern. No wall or fence shall be less than six feet nor greater than eight feet in height above grade. All walls or fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with division (G) of this section.



TREE, LARGE. A tree which, at the time of planting, has a caliper of at least one and three-fourths inches and a height of at least ten feet and of a species which, at maturity, can be expected to reach a height of at least 40 feet under normal growing conditions in the local climate.

TREE, SMALL. A tree which, at the time of planting, has a caliper of at least one and one-half inches and a height of at least five feet and of a species which at maturity, can be expected to reach a height of at least 20 feet under normal growing conditions in the local climate.

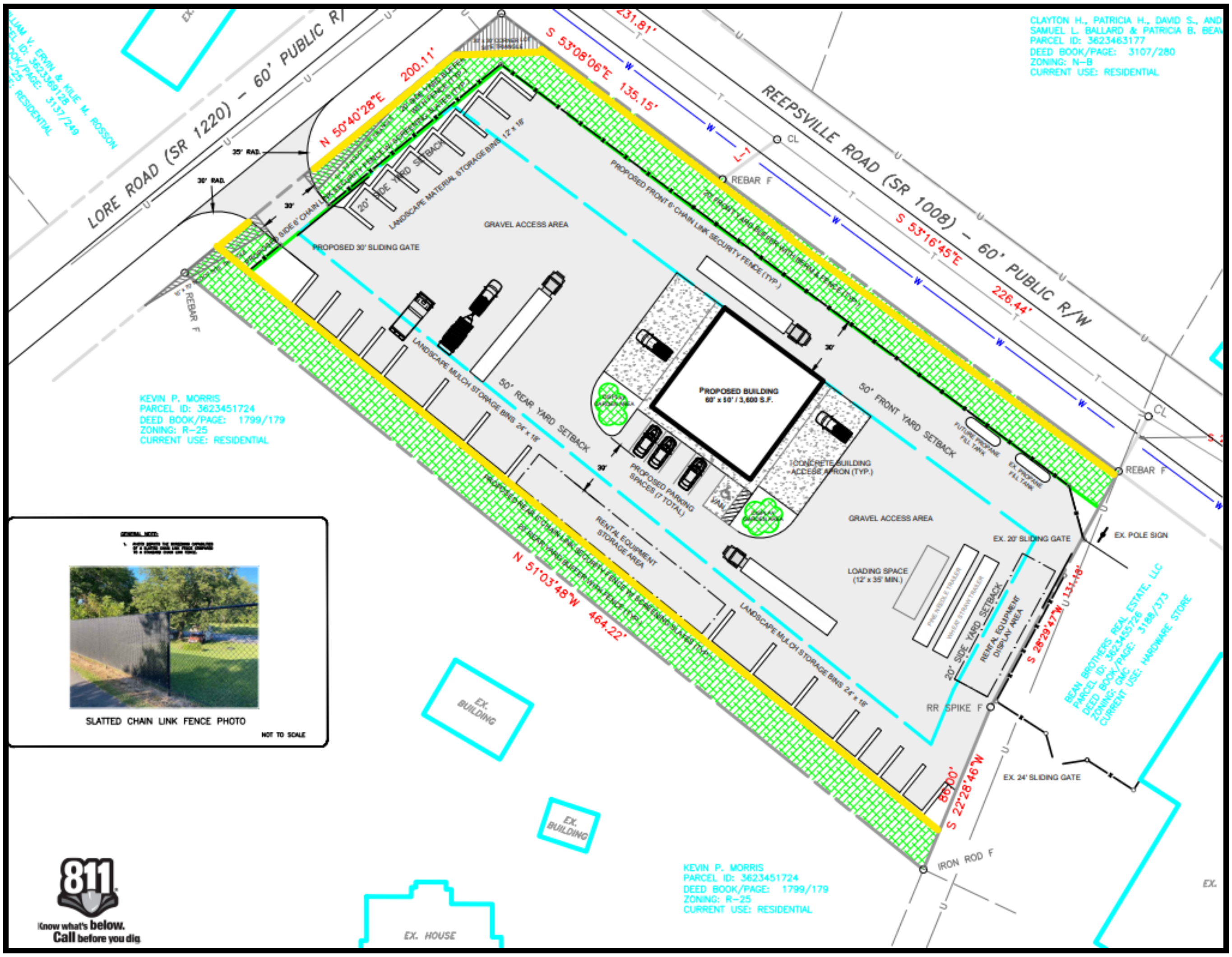
§ 153.048 SCREENING AND LANDSCAPING REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE.

After the effective date of this chapter, a certificate of zoning compliance shall not be issued for any use located on a lot(s) upon which screening and/or landscaping is required, unless the screening and landscaping is provided on the lot(s) as herein specified. This provision may be temporarily waived by the Administrator in cases where it was not possible for the developer to install certain species of plant material prior to occupancy due to the recommended planting season not occurring at an appropriate phase in construction, and in that case, the time deadline for planting the materials shall be extended only to the ideally recommended planting season for the materials.


Best
35


ZONING PUBLIC

5 - The fence along Reepsville is one foot from the ROW and Lore is on the ROW line. The site plan shows the fence 20’ back from the ROW line on both streets. The old fence (shown in below pic) was just behind the ROW line which is allowed in residential zoning areas. This lot was R-25 prior to the conditional zoning. You can clearly see the existing gas tank in this photo and if you look at the site plan, you will see the fence was to be located right beside the existing tank.



6 - The site plan shows screening slats. Mesh privacy netting was used.
7 - Applicant wants to wait on constructing the 3600 SF building and parking area.

PLANNING BOARD VOTE

5-0 in favor to deny application to amend and give applicant 60 days to come into compliance

STAFF AND PLANNING BOARD RECOMMENDATION

Staff feels that items 6 and 7 are reasonable amendments. **However, items 2-5 are direct zoning violations. Item 1 violates state statute. If this amendment were approved, it would be in conflict with the Unified Development Ordinance and NCGS 143-214.5.** Staff recommends the following actions:

- denial of the amendment of the conditional zoning site plan
- the time frame to come into compliance be 60 days.

§ 143-214.5. Water supply watershed protection.

(a) Policy Statement. - This section provides for a cooperative program of water supply watershed management and protection to be administered by local governments consistent with minimum statewide management requirements established by the Commission. If a local government fails to adopt a water supply watershed protection program or does not adequately carry out its responsibility to enforce the minimum water supply watershed management requirements of its approved program, the Commission shall administer and enforce the minimum statewide requirements. The reduction of agricultural nonpoint source discharges shall be accomplished primarily through the Agriculture Cost Share Program for Nonpoint Source Pollution Control.

(b) Development and Adoption of Water Supply Watershed Classifications and Management Requirements. - The Commission shall adopt rules for the classification of water supply watersheds and that establish minimum statewide water supply watershed protection requirements applicable to each classification to protect surface water supplies by (i) controlling development density, (ii) providing for performance-based alternatives to development density controls that are based on sound engineering principles, or (iii) a combination of both (i) and (ii). The Commission may designate water supply watersheds or portions thereof as critical water supply watersheds and impose management requirements that are more stringent than the minimum statewide water supply watershed management requirements. The Commission may adopt rules that require that any permit issued by a local government for a development or construction activity conducted by that local government within a designated water supply watershed be approved by the Department prior to issuance. Any variance from the minimum statewide water supply watershed management requirements must be approved by the Commission prior to the issuance of a permit by a local government. Except as provided by G.S. 160D-913, the power to implement this section with respect to development or construction activities that are conducted by State agencies is vested exclusively in the Commission.

(c) Classification of Water Supply Watersheds. - The Commission shall assign to each water supply watershed in the State the appropriate classification with the applicable minimum management requirements. The Commission may reclassify water supply watersheds as necessary to protect future water supplies or improve protection at existing water supplies. A local government shall not be required to submit a revised water supply watershed protection program to the Commission earlier than 270 days after it receives notice of a reclassification from the Commission.

(d) Mandatory Local Programs. - The Department shall assist local governments to develop water supply watershed protection programs that comply with this section. Local government compliance programs shall include an implementing local ordinance and shall provide for maintenance, inspection, and enforcement procedures. As part of its assistance to local governments, the Commission shall approve and make available a model local water supply watershed management and protection ordinance. The model management and protection ordinance adopted by the Commission shall, at a minimum, include as options (i) controlling development density, (ii) providing for performance-based alternatives to development density controls that are based on sound engineering principles, and (iii) a combination of both (i) and (ii). Local governments shall administer and enforce the minimum management requirements. Every local government that has within its jurisdiction all or a portion of a water supply watershed shall submit a local water supply watershed management and protection ordinance to the Commission for approval. Local governments may adopt such ordinances pursuant to their general police power, power to regulate the subdivision of land, zoning power, or any combination of such powers. In adopting a local ordinance that imposes water supply watershed management requirements that are more stringent than those adopted by the Commission, a local government must comply with Article 6 of Chapter 160D of the General Statutes. This section shall not be construed to affect the validity of any local ordinance adopted for the protection of water supply watersheds prior to completion of the review of the ordinance by the Commission or prior to the assumption by the Commission of responsibility for a local water supply watershed protection program. Local governments may create or designate agencies to administer and enforce such programs. The Commission shall approve a local program only if it determines that the requirements of the program equal or exceed the minimum statewide water supply watershed management requirements adopted pursuant to this section.

(d1) A local ordinance adopted to implement the minimum statewide water supply watershed management requirements applicable to agriculture and silviculture activities shall be no more restrictive

than those adopted by the Commission. In adopting minimum statewide water supply watershed management requirements applicable to agriculture activities, the Commission shall consider the policy regarding agricultural nonpoint source discharges set out in subsection (a) of this section. The Commission may by rule designate another State agency to administer the minimum statewide water supply watershed management requirements applicable to agriculture and silviculture activities. If the Commission designates another State agency to administer the minimum statewide water supply watershed management requirements applicable to agriculture and silviculture activities, management requirements adopted by local governments shall not apply to such activities.

(d2) A local government implementing a water supply watershed program shall allow an applicant to average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

> **(1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.**
>
> **(2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.**
>
> **(3) Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.**
>
> **(4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.**
>
> **(5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.**
>
> **(6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.**
>
> **(7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.**
>
> **(8) A special use permit or other such permit or certificate shall be obtained from the local Watershed Review Board or Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.**

(d3) A local government implementing a water supply watershed program shall allow an applicant to exceed the allowable density under the applicable water supply watershed rules if all of the following circumstances apply:

> **(1) The property was developed prior to the effective date of the local water supply watershed program.**
>
> **(2) The property has not been combined with additional lots after January 1, 2021.**
>
> **(3) The property has not been a participant in a density averaging transaction under subsection (d2) of this section.**
>
> **(4) The current use of the property is nonresidential.**
>
> **(5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is**

treated in accordance with all applicable local government, State, and federal laws and regulations.

(6) The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements.

(e) Assumption of Local Programs. - The Commission shall assume responsibility for water supply watershed protection, within all or the affected portion of a water supply watershed, if a local government fails to adopt a program that meets the requirements of this section or whenever a local government fails to adequately administer and enforce the provisions of its program. The Commission shall not assume responsibility for an approved local water supply watershed protection program until it or its designee notifies the local government in writing by certified mail, return receipt requested, of local program deficiencies, recommendations for changes and improvements in the local program, and the deadline for compliance. The Commission shall allow a local government a minimum of 120 days to bring its program into compliance. The Commission shall order assumption of an approved local program if it finds that the local government has made no substantial progress toward compliance. The Commission may make such finding at any time between 120 days and 365 days after receipt of notice under this subsection by the local government, with no further notice. Proceedings to review such orders by the Commission shall be conducted by the superior court pursuant to Article 4 of Chapter 150B of the General Statutes based on the agency record submitted to the Commission by the Secretary.

(f) State Enforcement Authority. - The Commission may take any appropriate preventive or remedial enforcement action authorized by this Part against any person who violates any minimum statewide water supply watershed management requirement.

(g) Civil Penalties. - A local government that fails to adopt a local water supply watershed protection program as required by this section or willfully fails to administer or enforce the provisions of its program in substantial compliance with the minimum statewide water supply watershed management requirements shall be subject to a civil penalty pursuant to G.S. 143-215.6A(e). In any area of the State that is not covered by an approved local water supply watershed protection program, any person who violates or fails to act in accordance with any minimum statewide water supply watershed management requirement or more stringent management requirement adopted by the Commission for a critical water supply watershed established pursuant to this section shall be subject to a civil penalty as specified in G.S. 143-215.6A(a)(7).

The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(h) Planning Grants to Local Governments. - The Secretary may make annual grants to local governments for the purpose of assisting in the development of local water supply watershed protection programs. The Secretary shall develop and administer generally applicable criteria under which local governments may qualify for such assistance. Such criteria shall give priority to local governments that are not then administering zoning ordinances in affected water supply watershed areas.

(i) Every State agency shall act in a manner consistent with the policies and purposes of this section, and shall comply with the minimum statewide water supply watershed management requirements adopted by the Commission and with all water supply watershed management and protection ordinances adopted by local governments. (1989, c. 426, s. 1; 1991, c. 342, s. 9; c. 471, s. 2; c. 579, s. 1; 1991 (Reg. Sess., 1992), c. 890, s. 14; 1998-215, s. 62; 2012-200, s. 7; 2019-111, s. 2.5(k); 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-164, s. 1(a); 2022-62, s. 35.)

MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: ZTA-2-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: June 29, 2023

Background

Amendments to the Unified Development Ordinance are needed from time to time to correct minor errors in text or to respond to changing conditions.

There are several ordinance sections outlined below that need to be changed, updated or added to help make the UDO a better and more enforceable document.

Proposed changes are highlighted in yellow and language to be removed is stricken through.

Proposed Amendment Section 153.091 General Zoning Districts

(D) R-8 Residential District.

(1) This district is established to accommodate single-family dwellings on ~~8,000~~ 6,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots. These districts are located where water and sewer are present. The district accommodates both one- and two-family residences.

(F) ~~*OR*~~ RO *Residential Office District.* This district allows for one-, two- and multi-family residential uses and certain commercial, office and institutional uses which would create an area convenient for both residential and employment purposes. In certain areas this district is also established to provide a transition between purely residential areas and primarily commercial areas. In order to enhance the district's residential character, the R-O District for purposes of this chapter is deemed a residential district. This classification does require screening and buffering from all new uses in adjacent commercial and industrial districts. Small offices, certain community facilities and one and two-family residences are permitted by right.

Staff Comment: In number 1, the minimum lot size was changed to 6,000 SF in 2016 but it did not get changed in this section. In letter F, the correct abbreviation is RO.

<u>Proposed Amendment Sections 153.107(</u>R-10), 153.108(R-8), 153.109 (RMF) and 153.121 (WSW Water Supply Watershed)

(C) *Yard regulations.*

(1) *Minimum lot size.*

(a) Single-family dwellings: 10,000 square feet, except as provided in ~~§§ 153.215 through 153.220~~ §§153.123 of this chapter.

R-8

(C) Yard regulations.

(1) Minimum lot size.

(a) Single-family dwelling: 6,000 square feet, except as provided in ~~§§ 153.215 through 153.220~~ §§153.123 of this chapter.

(b) Two-family dwellings: 12,000 square feet except as provided in ~~§§ 153.215 through 153.220~~ §§153.123 of this chapter.

RMF

(C) Yard regulations.

(1) Minimum lot size.

(a) Single-family dwelling: 8,000 square feet, except as provided for in (C) *Yard regulations.*

(1) *Minimum lot size.*

(a) Single-family dwelling: 8,000 square feet, except as provided for in ~~§§ 153.215 through 153.220~~ §§153.123 of this chapter.

(b) Two-family dwellings: 12,000 square feet except as provided for in ~~§§ 153.215 through 153.220~~ §§153.123 of this chapter.

WSW

(1) *WS-IV Watershed Areas - Critical Area (WS-IV-CA).* Only new development activities that require an erosion/sedimentation control plan under state law are required to meet the provisions of this section. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two dwelling units per acre. All other residential and nonresidential development shall be allowed 24% built-upon area. New sludge application sites and landfills are specifically prohibited

(b) Density and built-upon limits.

1. Single-family residential, including planned developments: shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half acre, except within an approved planned development as described in ~~§ 153.215 through 153.220~~ §§153.123 of this chapter.

Staff Comment: Prior to the UDO update in 2021, chapters 153.215 and 153.220 had a chart that referenced R-10, R-8, RMF and Watershed areas. Those chapters were removed and the chart is now referenced in Chapter 153.123.

Proposed Amendment Section

§ 153.110 R-O RESIDENTIAL OFFICE DISTRICT.

~~(B) *Uses subject to prescribed standards.* The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ 153.255 through 153.259 of this chapter and subject to the associated below prescribed standards.~~

~~(1) All uses subject to prescribed standards listed in § 153.106(B) of this chapter.~~

(C) *Yard regulations.*

(1) *Minimum lot size.*

(a) Churches: 20,000 square feet.

~~(b) Multi-family dwellings: 21,780 square feet minimum project site size, but gross density shall not exceed ten units per acre.~~

Staff Comment: Multi family was removed as a permitted use but is still listed under yard regulations and there are no uses with prescribed standards.

Planning Board Vote

5-0 in favor of approval

Staff and Planning Board Recommendation

Staff recommends approval of the amendments.

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

Case No. ZTA-2-2023

Applicant: City of Lincolnton Planning Department

Request: ZTA-2-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincolnton 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**.

CONSISTENT: Because it updates text language to match current procedures and best practices and it provides additional direction in order to assist citizens in understanding the regulations.

REASONABLE: The text amendment is reasonable because it makes the ordinance clearer and more easily understood.

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

Case No. ZTA-2-2023

Applicant: City of Lincolnton Planning Department

Request: ZTA-2-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincolnton 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**.

BA-04-23

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, 2023.

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

General Expense	$	695,007
Police		1,756
Fire		5,925
Solid Waste		2,730
Planning/Zoning		2,880
Recreation		20,075
	$	728,372

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

NCVTS-License Fee	$	73,938
Lease/Rental Vehicle Tax		4,627
Local Sales & Use Tax		308,252
Controlled Substance Tax		69
Alcohol/Beverage Tax		6,794
Franchise Tax		48,501
Solid Waste Disposal Tax		2,730
Cemetery Lot Sales		13,650
Police Dept Inspection Fees		720
Police Dept Sidewalk Café Permit		70
Parking Violations		796
Police Dept-Misc. Revenue		101
Zoning Department Fees		2,880
Fire Department Fees		5,925
Rec-Registration & Entry Fees		19,561
Rec-Vending Machine Income		414
Interest-General Fund		136,611
Sale of Capital Assets-GF		82,949
Sales of Personal Assets		186
Insurance Settlement		14,950
WEX-Fuel Rebates		1,506
Sale of Recyclables		10

114 WEST SYCAMORE STREET * P.O. BOX 617 * LINCOLNTON, NORTH CAROLINA 28093-0617

PHONE (704) 736-8980

Veterans Banner Project		100
Federal Equitable Deposits		3,033
	$	728,372

General Fund: Record additional funds for various fees collected by PD, Fire, Planning & Zoning, registration fees for Parks & Recreation, interest income, GovDeals, insurance settlement, rebates from the WEX fuel program, NCVTS taxes, Vehicle taxes, Local Sales & Use tax, Franchise tax, and ESAC-Asset Forfeiture funding .

Section 3: To amend the Boger City Fire District Fund, the expenditures are to be changes as follows:

Boger Ciy Fire Tax	$	13,789

Section 4: To amend the Boger City Fire District Fund, the revenues are to be changed as follows:

Fire District Tax		
Investment Income	$	2,322
Sales Tax/Grants		1,378
Miscellaneous Revenue-BCF	$	10,089
	$	13,789

Boger City Fire District: Record interest income, grant funds from the Joshua Lee Warren Foundation for a Woods Forcible Entry Door Kit, Lincoln County NC Volunteer Firemans Association, and Joseph Sebastian Mannino for rescue efforts.

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

Powell Bill Construction/Other	$	3,989

Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	$	3,989
	$	3,989

Powell Bill Fund: Record interest income on powell bill funds.

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

Water Treatment Plant	$	235,000
Distribution and Collection		254,717
Wastewater Treatment Plant		100,000
Water and Sewer Intangibles		4,390
	$	594,106

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

Investment Income	$	88,294
Connection Charges		17,415
Other Operating Revenues		28,398
Fund Balance Appropriated		460,000
	$	594,106

Water and Sewer Fund: Record Water & Sewer connection fees, insurance settlement for property damage for sewer backup at a residents house, miscellaneous fees, appropriation from Fund Balance for approved prior year capital projects,and interest income.

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

Electric Operations	$	176,497

Section 10: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	$	48,568
Electric Sales		12,861
Electric Municipal Operations		85,345
Other Operating Revenue		27,254
Other Operating Sources		2,469
	$	176,497

Electric Fund: Record electric meter fees, temporary pole fees, default fees, insurance settlement for power pole & sign damage on S. Grove & W Main Street, and interest income.

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

SCIF Grants (Fund 50)	$	3,045
	$	3,045

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

SCIF Grants (Fund 50)	$	3,045
	$	3,045

Special Revenue Fund: Record interest income received on the State SCIF funds.

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: 2022-2023 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	$	1,519,798

Adopted this 29th day of June, 2023

Attest:

Daphne Ingram	Edward L Hatley
City Clerk	Mayor

Item O-09-23

LINCOLNTON

AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council

Date: June 29, 2023

From: David Ramsey, Business Services Director

Subject: Amendment to City Code of Ordinances-Chapter 52: Sewers - General Provisions - 52.006 Maintenance of Building Service Line

---

Summary:

Proposed updates to the Citys sewer ordinances as it pertains to property service lines

Background:

Fiscal Impact:

NA

Recommendation:

Discussion and Approval

Attachments:

1. Sewer ord update (1)

§ 52.006 MAINTENANCE OF PROPERTY SERVICE LINE(S).

(A) The city shall have no responsibility for the cleaning, repairing, replacement, or maintenance of a building sewage line on private property. The property owner is responsible for verifying the condition of his or her service line before the city is called to maintain or repair the service line within public right-of-way.

(B) When determined by the POTW Director that a building sewage line is in poor condition allowing excess ground water or storm water to enter the POTW, the POTW Director shall order the property owner to repair or replace said line.

(Ord. O-01-22, passed 4-7-2022)

(C) As determined by the POTW Director or his designee: in the case of sewer overflow, disrepair, and/or multiple houses tied to the same private line the property owner(s) are responsible for the repair/replacement/division of the line.

(D) Property owner(s) will be notified by phone, email, or USPS letter of any issue that needs to be corrected and will be given 14 days to remedy (unless more restriction is needed based on the gravity of the issue). Upon the failure of any such owner or occupant to make the necessary repairs within 14 days the property owner(s) must notify the POTW Director or his designee and submit a plan of action for making repairs which must be approved by city designee(s).

(E) Property owner(s) failure to comply or submit plan of actions will constitute violation and be subject to fines of up to 500.00 per day until repairs are made.

(F) If failure to comply has reached 45 days the city will deem the property a health hazard and all services to that property will be disconnected until repairs and fines have been paid.

Item NA

LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council

Date: June 29, 2023

From: David Ramsey, Business Services Director

Subject: Consideration/Approval of Recommended change to Fee Schedule as it pertains to customers who refuse to provide social security numbers when applying for service

---

Summary:

A local government can charge a deposit or security fee, or a larger deposit or security fee, to customers who refuse to provide proof of identity or proof of address if the local government determines that this class of individuals poses a greater risk of defaulting on utility service payments. Any deposit or security fee requirement must be reasonable and nondiscriminatory.

Background:

A local government is permitted to request a potential customer provide a social security number but, under parallel provisions of the Federal Privacy Act, 5 U.S.C. § 522a (note),and the State Privacy Act, G.S. 143-64.60, it cannot deny utility services because the potential customer refuses to divulge his or her social security number. Furthermore, the local government must inform the potential customer that disclosure of the social security number is voluntary, by what authority the number is solicited, and what uses will be made of the number.

Fiscal Impact:

Recommendation:

Discussion and Approval

Attachments:

1. Deposit fee change
2. Notice of the use of Social Security Numbers

ONLINE CONVENIENCE FEE	
Online Debit/Credit Card Convenience Fee	Posted Online * fee subject to change

MOTOR VEHICLE FEE	
Fee for each vehicle registered in City for property tax	**$20.00 ea.**

PUBLIC WORKS	
95 Gallon Roll Out (City of Lincolnton Residents Only)	$75.00 each
Outside City Limits Weekly Pick-up *Application & Approval Required	$30.00 / month

1

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

CITY OF LINCOLNTON
SCHEDULE OF FEES
2023-24

FEES ASSOCIATED WITH UTILITY SERVICE		
Utility Deposits	**Inside City**	**Outside City**
Temporary Hydrant Meter Deposit - Large	$1,500.00	$1,700.00
Temporary Hydrant Meter Deposit - Small	$300.00	$500.00
Residential Water and/or Sewer Deposit	$75.00	$150.00
Residential Electric Deposit	$250.00 $300.00	
Refusal to provide SS# Water and/or Sewer Deposit	$150.00	$300.00
Refusal to provide SS# Electric Deposit	$500.00	$600.00
Note: Residential owners of real property providing proof of ownership will be exempt from utility deposits unless they refuse to provide social security number. If they refuse to provide SS# then the refusal deposit amount will be required; renters having 24 months of good payment history with City of Lincolnton will also be exempt.		
Business Water and/or Sewer Deposit	$50.00	$100.00

Notice of the use of Social Security Numbers:

Disclosure of your social security number is voluntary. The request for your social security number is authorized by Section 105A-3(c) of the North Carolina General Statutes. Social security numbers collected the City's billing and collections office will be used to confirm the identity of the customer, by means of matching the number with information found in the City's databases and on-line services, when collection efforts are undertaken to recover debts that are not paid voluntarily and in a timely manner by a customer. These collection efforts will include set-offs against customers North Carolina income tax refunds and lottery winnings by means of the state's debt set-off collection program. This program is used by the City of Lincolnton to collect debts that arise in connection with the provision of water, sewer, electric services, and any other service that may be implemented in the future. An existing or potential customer will not be denied city services because of a refusal to disclose his or her social security number but may be charged a deposit or a higher deposit in the event of being a rental property account.

ADDITIONAL DISCLOSURE: Access to personal information such as identification, social security numbers, and bank account numbers are password protected. Applications, while taken in paper form, are maintained in a secure digital format. The City does not retain paper copies once converted to digital format.

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

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

MEMORANDUM

To: Mayor and City Council Members

From: Tanya Osborne, Human Resources Director

Through: Ritchie Haynes, City Manager

Re: Proposed Administrative Policy:
Administrative Policy #18-Yearly Compression Adjustment (YCA)

Date: June 20, 2023

As part of the annual budget process, the City Manager introduced a new plan to adjust employees' salaries by 2% on an annual basis. This plan is named "Yearly Compression Adjustment (YCA)", and replaces the Longevity Plan which had become ineffective. Council approved the plan as part of the 23/24 fiscal year budget at the Council meeting on June 1, 2023.

Attached for your review is Administrative Policy #18 which outlines for employees how the YCA will be administered.

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

Approval of proposed Administrative Policy #18 Yearly Compression Adjustment (YCA)

Attachments: Proposed Administrative Policy #18 Yearly Compression Adjustment (YCA)

CITY OF LINCOLNTON

ADMINISTRATIVE POLICY

Subject: **Yearly Compression Adjustment (YCA)**	**Manual:** **Administrative**
	Effective Date: **July 1, 2023**
Policy Number: 18	**Revision:**
Issued By: **Tanya Osborne, Human Resources Director**	**City Manager Approval:** **Richard Haynes** **City Manager**

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

Section I. Intent

The Yearly Compression Adjustment is designed to acknowledge employees will gain valuable experience in their position as they progress through their career. Each additional year in the position gives opportunity for the employee to increase their knowledge and perform their job duties in a more efficient manner. As a method to recognize employees' growth and increased experience in their position, the City Council has approved a Yearly Compression Adjustment (YCA) of 2%.

Section II. Eligibility

All regular full-time employees are eligible to participate in the Yearly Compression Adjustment (YCA).

Section III. Administration

1. The City operates on a fiscal year budget of July 1 through June 30. The YCA of 2% will normally be made on the second pay date in July of each fiscal year. The City Manager reserves the right to adjust the pay date if necessary.
2. New hires for regular full time positions must have successfully completed at least 6 months of a probationary period prior to July first of the fiscal year to be eligible for the 2% YCA.

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. The continuation of this plan each year is contingent upon the availability of funds.

GRANT AGREEMENT

STATE AID TO AIRPORTS BETWEEN THE N. C. DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF NORTH CAROLINA	**AIRPORT:** **LINCOLNTON-LINCOLN COUNTY REGIONAL**
AND **LINCOLN COUNTY AND THE CITY OF LINCOLNTON**	**PROJECT NO:** **36244.38.10.1**

This Agreement is hereby made and entered into by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department") and **LINCOLN COUNTY AND THE CITY OF LINCOLNTON**, the public agency owning the **LINCOLNTON-LINCOLN COUNTY REGIONAL AIRPORT** (hereinafter referred to as "Sponsor").

This agreement shall be effective on ____________________________ and shall terminate on **SEPTEMBER 10, 2023** with the option to extend, if mutually agreed upon, through a written modification. Pre-award costs included on the Code and Category of Expenditure Section of the AV-501/AV-504 of the project's Request for Aid (RFA) Application are authorized.

W I T N E S S E T H

WHEREAS, Chapter 63 of the North Carolina General Statutes authorizes the Department, subject to limitations and conditions stated therein, to provide State Aid in the forms of loans and grants to cities, counties and public airport authorities of North Carolina for the purpose of planning, acquiring and improving municipal, county and other publicly-owned or publicly controlled airport facilities, and to authorize related programs of aviation safety, education, promotion and long-range planning; and

WHEREAS, the Sponsor has made a formal application dated **JUNE 5, 2023** to the Division of Aviation ("Division") for State Financial Aid funds for the **LINCOLNTON-LINCOLN COUNTY REGIONAL AIRPORT**; and

WHEREAS, a grant in the amount of **$2,346,626** not to exceed **90 percent** of the final, eligible project costs of **$2,607,363** subject to the conditions and limitations herein; and

WHEREAS, the Agreement of State Financial Aid funds will be used for the following approved project:

AIRCRAFT HANGARS SITE PREP

WHEREAS, pursuant to NC GS 63-68 (2), the Division may, in its discretion, conduct safety projects or programs to improve the safety and planning of the air transportation system.

NOW THEREFORE, the Sponsor and the Division of Aviation ("Division") do mutually hereby agree as follows:

1) Work performed under this Agreement shall conform to the approved project description. Any amendments to or modification of the scope and terms of this Agreement shall be in the form of a modified grant mutually executed by the Sponsor and the Department, except that an extension of time and/or a reallocation of funds within the approved budget may be granted by the Division by written notice to the Sponsor. Any changes to the scope, amount, or fees with this grant agreement without first consulting your Airport Project Manager could be found ineligible.

2) The Sponsor agrees to comply and assures the compliance by each of its third-party contractors and subrecipients at any tier, with the provisions of G.S. § 143-59.2, "Certain vendors prohibited from contracting with State." G.S. § 133-32 and Executive Order 024 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents that you are not aware that any such gift has been offered, accepted or promised by any employees of your organization. This prohibition covers those vendors and contractors who:

(1) have a contract with a governmental agency; or

(2) have performed under such a contract within the past year; or

(3) anticipate bidding on such a contract in the future.

3) The Sponsor certifies that it has adhered to all applicable laws, regulations, and procedures in the application for and the Sponsor's approval of the Agreement.

4) The Sponsor agrees to comply with the "Sponsor's Assurances" contained as a part of this Agreement. The Sponsor shall be liable to the Department for the return of all grant monies received in the event of a material breach of the Sponsor's Assurances or this Agreement.

5) The Sponsor agrees to adhere to the standards and procedures contained in the *North Carolina Airports Program Guidance Handbook*.

APPENDIX A6.4.1
TITLE VI CLAUSES FOR COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations**: The contractor (hereinafter includes consultants) will comply with the Title VI List of Pertinent Nondiscrimination Acts and Authorities, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination**: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Nondiscrimination Acts and Authorities, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment**: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Nondiscrimination Acts and Authorities on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the sponsor or the Federal Aviation Administration to be pertinent to ascertain compliance with such Nondiscrimination Acts and Authorities and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
   a. Withholding payments to the contractor under the contract until the contractor complies; and/or
   b. Cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions**: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX A6.4.2
TITLE VI CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances.

NOW, THEREFORE, the Federal Aviation Administration as authorized by law and upon the condition that the *North Carolina Department of Transportation (NCDOT)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, for the (Airport Improvement Program or other program for which land is transferred), and the policies and procedures prescribed by the Federal Aviation Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *NCDOT* all the right, title and interest of the U.S. Department of Transportation/Federal Aviation Administration in and to said lands described in **(Exhibit A attached hereto or other exhibit describing the transferred property**) and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *North Carolina Department of Transportation (NCDOT)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *NCDOT*, its successors and assigns.

The *NCDOT*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *NCDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX A6.4.3
TITLE VI CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances:

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

   In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Nondiscrimination Acts and Regulations listed in the Pertinent List of Nondiscrimination Authorities (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.4
TITLE VI CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of the Standard Title VI/Nondiscrimination Assurances.

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the List of Discrimination Acts and Authorities.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above nondiscrimination covenants, the *NCDOT* will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX A6.4.5
TITLE VI LIST OF PERTINENT NONDISCRIMINATION ACTS AND AUTHORITIES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

<u>Pertinent Nondiscrimination Authorities</u>:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

THE PARTIES BY LEGALLY BINDING SIGNATURE BELOW HEREBY EXECUTE THIS GRANT AGREEMENT THE DAY AND YEAR FIRST WRITTEN BELOW:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION:

BY: ____

Deputy Secretary for Multi-Modal Transportation or Designee

DATE: ____

AUTHORIZED SIGNATURE FOR SPONSOR

(Approving Authority Board Member or Local Governing Official):

SIGNED: ____

TITLE: ____

DATE: ____

AUTHORIZED SIGNATURE FOR CO-SPONSOR (if Required)

(Approving Authority Board Member or Local Governing Official):

SIGNED: ____

TITLE: ____

DATE: ____

SECTION A: SPONSOR'S ASSURANCES: GENERAL CONDITIONS

A-1. The Sponsor certifies that it holds fee simple title to the property on which this project is to be constructed. In the event any work is proposed on property which has an easement or lease in the Sponsor's name, the Sponsor agrees that it will comply with the Division's conditions and receive written approval prior to any construction on such lease or easements. This condition does not apply to planning projects.

A-2. The Sponsor agrees to operate the Airport for the use and benefit of the general public and shall not deny reasonable access to public facilities by the general public per G.S. § 63-65.

A-3. The Sponsor agrees to operate, maintain, and control the Airport in a safe and serviceable condition for a minimum of twenty (20) years following the date of this Agreement and shall immediately undertake, or cause to be undertaken, such action to correct safety deficiencies as may be brought to its attention by the Department.

A-4. The Sponsor agrees that any land purchased, facilities constructed, or equipment acquired under this Agreement shall not be sold, swapped, leased, or otherwise transferred from the control of the Sponsor without written approval of the Department.

A-5. The Sponsor agrees that the state share of any land purchased, facilities constructed, or equipment acquired under this Agreement shall be credited to the Department in a manner acceptable to the Department in the event such land, facilities, or equipment are subsequently disposed of through sale or lease.

A-6. Insofar as it is within its power and reasonable, the Sponsor shall, either by the acquisition and retention of property interest, in fee or easement, or by appropriate local zoning action, prevent the construction of any object which may constitute an obstruction to air navigation under the appropriate category of Federal Air Regulation Part 77, 14 CFR 77.

A-7. Insofar as it is within its power and reasonable, the Sponsor shall restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and taking off of aircraft, and the noise produced by such operations by adoption of zoning laws, by acquisition and the retention of property interest, in fee or easement.

A-8. Terminal building spaces constructed under this Agreement shall be for the use of the general public. The Sponsor agrees that it will not use any space so constructed for private use, or charge fees for the use of such space, without the written approval of the Division.

SECTION B: SPONSOR'S ASSURANCES: PROJECT ADMINISTRATION

B-1. It is the policy of this State to encourage and promote participation by the Disadvantaged Business Enterprise Program (MBE and WBE) in contracts let by the Department pursuant to G.S. § 136-28.4 for the planning, design, preconstruction, construction, alteration, or maintenance of State transportation infrastructure construction and in the procurement of materials for these projects. All State agencies, institutions, and political subdivisions shall cooperate with the Department of Transportation and among themselves in all efforts to conduct outreach and to encourage and promote the use of disadvantaged minority owned and women owned businesses in these contracts. This is designed to ensure DBE's have maximum opportunity to participate in performance of NCDOT contracts let using state funding. The Sponsor assures and certifies with respect to this Agreement that they will pursue these requirements as stipulated by the Department in the advertising, award, and administration of all contracts, and require the same for all contractors, subrecipients, or subcontractors. The DBE Program is governed by G.S. § 136-28.4 and administered in accordance with Title 19A Chapter 02 Subchapter D Section .1101 - .1112 of the North Carolina Administrative Code.

B-2. The Sponsor shall submit draft plans and specifications, or approved alternate, for the project for review by the Division prior to advertising for bids on the Project. Should bids not be required on the project, the Sponsor shall submit a detailed scope of work and estimated costs prior to requesting "Project Concurrence and Notice to Proceed" form for undertaking the project. All plans (and alternate) shall be supported by engineer's report. A list of deliverables from the Sponsor to the Division will be communicated with the Airport Project Manager.

B-3. Bids will be taken in accordance with G.S. § 143-129. The Division will approve or disapprove the Sponsor's request to employ a specific contractor. Sponsor will be directly notified of approval.

B-4. All contractor(s) who bid or submit proposals for contracts in connection with this project must submit a statement of non-collusion to the Sponsor.

B-5. Unless otherwise approved by the Division, the Sponsor shall not commence construction or award construction contracts on the project until a "Grant Execution and Notice to Proceed" is provided by the Division.

B-6. The Sponsor shall submit to the Division quarterly status reports (AV-502) according to the following schedule for periods ending: March 31, June 30, September 30 and December 31.

B-7. The Sponsor shall notify the Division of any significant issues, meetings, audits, or inspections concerning this project involving the Sponsor, contractor(s), consultant(s), and/or any interested parties.

B-8. It is the policy of the Department not to award funds to contractors who have been removed from the Department's list of pre-qualified bidders without subsequent reinstatement. Therefore, no state funds will be provided for any work performed by the contractor(s) or sub-contractor(s) which have been removed from the Department's list of pre-qualified bidders without subsequent reinstatement as of the date of the signing of the construction contract. It shall be the responsibility of Sponsor to ensure that only properly qualified contractors are given construction contracts for work.

SECTION C: SPONSOR'S ASSURANCES: PROJECT ACCOUNTING AND PAYMENT

C-1. The Sponsor shall record all funds received under this Agreement and shall keep the same in an identifiable project account. The Sponsor, and his contractor(s) and/or consultant(s), shall maintain adequate records and documentation to support all project costs incurred under this Agreement. All records and documentation in support of the project costs must be identifiable as relating to the project and must be allowable costs only. Allowable costs are defined as those costs which are allowable under this Agreement and the approved project budget. Acceptable items of work are those referenced in the *North Carolina Airports - Program Guidance Handbook* and North Carolina General Statutes.

C-2. The Sponsor shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Sponsor shall make such materials available at its office at all reasonable times during the contract period and for five (5) years from the date of final payment under this Agreement for inspection and audit by the Division.

C-3. In accordance with the Compliance Supplement based on the requirements of the 1996 Amendments and 2 CFR Part 200, Subpart F, which provide for the issuance of a compliance supplement to assist auditors in performing the required audits, the Sponsor shall arrange for an independent financial and compliance audit of its fiscal operations. The Sponsor shall furnish the Department with a copy of the independent audit report within thirty (30) days of completion of the audit report, but not later than nine (9) months after the Sponsor's fiscal year ends.

C-4. Payment of the funds obligated under this Agreement shall be made in accordance with the following schedule, unless otherwise authorized by the Division:

A. Payments from the Division to the Sponsor are made on an advance or a reimbursement basis.

B. If an advance payment is received, the Sponsor must pay all contractors/vendors within 3 business days of receipt of the Division's advance payment and provide proof of payment (payment verification).

C-5. The Sponsor may make application to the Division for a corresponding increase if, after the acceptance of the project by the Division, the final State share of approved eligible project costs is more than the amount of State funds obligated for the project. This increase will be considered for funding in accordance with their relative priority versus other applications for available State funds. The Division's ability to provide additional funding is contingent upon the availability of appropriated funds from which payment can be made. There is no legal liability on the part of the Division for any payment above this amount unless and until the Sponsor receives notice of availability confirmed in a written modification by the Division.

SECTION D: SPONSOR'S ASSURANCES: REAL PROPERTY ACQUISITION

D-1. The acquisition of land, buildings, and other real property involving the use of State Airport Aid funds shall be in compliance with the provisions of this Section.

D-2. The Sponsor shall depict each parcel to be acquired on an airport property map containing the identity of the parcel and its metes and bounds.

D-3. The acquisition cost of each parcel, building, or other real property acquired with state financial assistance shall be based on the fair market value of the property as determined by an appraisal process acceptable to the Department.

D-4. For each parcel, building, or real property, fair market value shall be established by an appraisal, completed by a competent NCDOT approved appraiser and an appraisal review, completed by an NCDOT staff reviewer or outsourced by the NCDOT to a competent consultant appraisal reviewer. For complex acquisitions, estimated claims over $1,000,000 or estimated claims with over $250,000 in damages, fair market value shall be established by two appraisals: one original appraisal and one review appraisal. In such cases, all other provisions of this Section shall apply.

D-5. All original and review appraisals shall be conducted by qualified appraisers who have no financial or other interest in the property to be acquired.

D-6. The fair market value of a parcel will be established by the review appraiser based upon the information contained in the original appraisal or appraisals.

D-7. No negotiation for property acquisition shall be commenced between the Sponsor and the property owner until the fair market value of the property has been established. Initial negotiations shall be based upon the fair market value.

D-8. Negotiated values above the fair market value shall not be eligible for state funds unless, prior to the final agreement for acquisition, the Sponsor has received the approval of the Department for paying such negotiated values in lieu of the appraised fair market value.

D-9. Failure to follow the requirements of this Section shall disqualify the property from State participation for any parcel which has not been acquired in accordance with such standards.

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

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AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council

Date: June 29, 2023

From: Ritchie Haynes, City Manager

Subject: Manager's Update/Activity Report

Summary:

Background:

Fiscal Impact:

Recommendation:

Attachments:

None