

A G E N D A

LINCOLNTON CITY COUNCIL



November 2, 2023

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON
AGENDA
November 2, 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

- **October 5, 2023 Regular Meeting Minutes**
- **City Releases - September 16, 2023 through October 15, 2023**
- **Request for Refunds - September 11, 2023 - September 24, 2023**

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

3. PUBLIC HEARINGS

3a ZMA-4-2023 Application from Windfall Properties, LLC requesting the rezoning of 0.319 acres of land from Office Institutional (O-I) District to General Business (GB) District. The subject property is located at 849 South Laurel Street (Parcel ID 17504)

Jean Derby, Planning Director

3b CZ-10-2023 Application from Bob Lewis requesting the rezoning of 0.834 acres of land from Residential-10 (R-10) District to Transitional Infill Development (TID) District for the purpose of constructing eight (8) townhomes. The subject properties are located on the south side of West Main Street Ext. approximately 400 feet west of the intersection of West Main Street Ext. and Riverside Drive (Parcel ID's 71202 and 104070).

Jean Derby, Planning Director

- 3c O-12-23 Application from the City of Lincolnton to amend Section 152 Flood Damage Prevention Ordinance in accordance with the 2021 NC Model Flood Damage Prevention Ordinance Non-Coastal**

Jean Derby, Planning Director

4. REGULAR AGENDA

- 4a BA-08-23 Budget Amendment to General Fund, Boger City Fire District, Powell Bill Fund and Water & Sewer Fund**

Pamela McBryde, Finance Director

- 4b Consideration/Approval of three Lincolnton Tourism Development Authority (LTDA) art projects - Two (2) murals and the Court House Banners**

Laura Morris, Community Relations Director

- 4c Notification of Openings for Boards, Committies and Commissions**

Daphne Ingram, City Clerk

5. OTHER BUSINESS

- 5a City Manager's Update/Activity Report**

Ritchie Haynes, City Manager

NEWS MEDIA

ADJOURNMENT

The Mayor and City Council met in regular session on Thursday, October 5, 2023 at 7:00 PM. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, North Carolina.

Mayor Ed Hatley called the meeting to order asking everyone to stand for a moment of silence and the pledge of allegiance. The following council members were present and voting:

DEMENY

POINSETTE

TIPTON

JETTON

Approval of REGULAR AGENDA

Councilmember Christine Poinsette requested to add an open session discussion to the Regular Agenda regarding letter received from The Concerned Citizens Coalition Group (*added as 5d. letter is attached to and made a part of these minutes*). **Councilmember Jill Tipton made a motion to approve the Regular Agenda as amended. Members voted 4-0 in favor of the motion.**

Approval of CONSENT AGENDA

Councilmember Christine Poinsette mad a motion to approve the following items listed under the Consent Agenda.

- Retirement Recognitions
 - o Todd Chapman – 35 years of service
 - o Wayne Auton – 34 years of service
 - o Dean Beaver – Almost 5 years of service
- September 7, 2023 Regular Meeting Minutes
- City Releases - August 16, 2023 through September 15, 2023

Members voted 4-0 in favor of the motion

PUBLIC COMMENT

Three individuals signed up to speak under Public Comment. Mr. Alan Hoyle, Mr. Trent Mason and Mr. Wayne Howard. Each were given three (3) minutes to express their thoughts and opinions to council members. Both Mr. Hoyle and Mr. Howard expressed their views on the event recently held at the Lincoln Cultural Center. Mr. Mason talked to the success of several of the downtown events recently held. He mentioned the Morning Meet Up that was held, as well as the Food Beer and Wine feast, the work that has begun on the First Federal Park project, the upcoming Apple Festival and the upcoming festivities for Halloween in the downtown area. Councilmember Jetton recognized Mr. Steve Bailey as the visionary behind the patio project at First Federal Park.

PRESENTATION

Mayor Ed Hatley presented the following proclamation to Lincoln Economic Development Association staff members, Cliff Brumfield, John Dancoff and Kara Brown. Mayor Hatley spoke to the importance of LEDA to Lincolnton and Lincoln County and all of the hard work that goes into recruiting and keeping industries in the community. The proclamation presented as follows:

2023 Lincoln Economic Development Association
Industry Appreciation Month
October 2023

WHEREAS, the City of Lincolnton is pleased to have industry to support the local economy; and

WHEREAS, these industrial companies provide essential employment opportunities for the citizens of the City of Lincolnton; and

WHEREAS, these industrial companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, industrial businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these industrial businesses;

NOW, THEREFORE, we the City Council of the City of Lincolnton, do hereby recognize our existing industrial businesses and by virtue of this proclamation give notice to our citizens that the month of October 2023 is Industry Appreciation Month in the City of Lincolnton.

ADOPTED this the 5th of October 2023

Upon receiving the proclamation, Mr. Dancoff briefly spoke to the importance of the industries in Lincolnton and Lincoln County, and the many benefits they bring to the area. He called out some of the events and activities that are a part of Industry Appreciation Month as he expressed appreciation for all of the industries in Lincoln County.

R-11-23 Proposed Incentive Grant Agreement between the City of Lincolnton and Hospitality Seating Concepts

Mayor Ed Hatley opened the public hearing and recognized Ms. Kara Brown to speak to the item. Ms. Brown explained her request through the Lincolnton industrial incentive grant program to recruit a new industry to Lincoln County. Ms. Brown presented a proposed incentive grant agreement, along with the following proposed Resolution, between the City and Hospitality Seating Concepts (HSC), a family owned business that produces banquet chairs and outdoor lounge furniture. She informed that this new venture will expand manufacturing capability so that HSC can produce product that previously could only be sourced overseas. It will also allow the company to expand production lines and shift production to the USA. The Lincolnton facility, located at 350 North Generals Boulevard, was selected for its central location and because of the success of other existing industries.

Ms. Brown announced that on or before October 1, 2023 facility upgrade construction and the installation of equipment and machinery will begin. She spoke to the details of the agreement. She referred to this as a level two (2) incentive grant. Ms. Brown requested the following resolution be adopted,

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH HOSPITALITY SEATING CONCEPTS**

WHEREAS, the Lincolnnton City Council verily believes that it is in the best interests of the citizens of the City of Lincolnnton to encourage and support economic development within the City of Lincolnnton through the recruitment of new industries to the City and the expansion of existing industries in the City; and

WHEREAS, Hospitality Seating Concepts, has developed plans for facility improvements and equipment investment in their manufacturing facility in the City of Lincolnnton; and

WHEREAS, the City Council wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincolnnton City Council hereby approves the City of Lincolnnton Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among City of Lincolnnton, Hospitality Seating Concepts
2. The Mayor of the City of Lincolnnton and the Clerk to the Council are hereby authorized to sign all necessary documents on behalf of the City of Lincolnnton in order to effectuate this transaction.
3. This resolution shall become effective upon adoption. *Exhibit A is attached and made an official part of these minutes*

Councilmember Christine Poinsette made a motion to close the Public Hearing. Members voted 4-0 in favor of the motion. **Councilmember Kevin Demeny made a motion to adopt the Resolution approving the Incentive Grant Agreement.** Members voted 4-0 in favor of the motion.

**IT-HR-10-05-23 (C-18-23) Approval of contract with NEOGOV - Human Resources
Department**

Human Resources Director Tanya Osborne and Technology & Innovation Director Chris Jones presented a request for approval of a contract with NEOGOV for HR software. Ms. Osborne explained that the vendor currently being used is discontinuing the product. She provided some details regarding the proposed software, informing that her and Mr. Jones has identified NEOGOV as the best fit for what the department needs. **Councilmember Christian Poinsette made a motion to approve the contract with NEOGOV.** Members voted 4-0 in favor of the motion.

Request to Consider/Approval Request for Qualifications (RFQ) AIA Water and Wastewater Projects

David Ramsey appeared before Council requesting that they approve Request for Qualifications (RFQ) recently received for the AIA Water and Wastewater project. Mr. Ramsey reminded Council of action previously taken regarding applying for grant funds for the AIA (Asset Inventory Assessment) Water and Waste Water project. He informed that the funds were received and will be used to cover the cost of having an assessment of the City's water and sewer lines completed.

Mr. Ramsey continued explaining that staff sent out a Request for Qualifications to engineering companies for this project. Two proposals were received. One from Clayton Engineering and the other from McGill Associates. Mr. Ramsey spoke to the qualifications of both companies, stating that the City currently does business with both. Mr. Ramsey described McGill as a One-stop shop for a lot of different things. He also spoke to the company's experience in the AIA assessment process. For that reason Mr. Ramsey communicated staff's recommendation to go with McGill Associates. In light of staff's recommendation and no other questions, Councilmember Roby Jetton made a motion to accept McGill Associates. Members voted 4-0 in favor of the motion.

Discussion for Consideration of an Early Voting Site

Mayor Hatley opened the floor for consideration of having an early voting site within the City Limits for the upcoming election. Members voiced their thoughts and opinions regarding the matter, both positive and negative. Councilmember Christine Poinsette made a motion to elect to have an early voting site in the City Limits. Members voted 1-3 opposing the motion. After explaining his reason for voting against the motion, Councilmember Kevin Demeny made a motion not to have a voting site in the city limits for the upcoming election. Members voted 4-0 in favor of the motion. *(Councilmember Christine Poinsette did not vote which counts as an affirmative vote as defined by the default "yes" rule.)*

Discussion Regarding Letter from the Concerned Citizens Coalition Group

Mayor Ed Hatley recognized Councilmember Christine Poinsette who requested to address and discuss the letter that the Mayor and each of the Councilmembers received from the Concerned Citizens Coalition Group. Councilmember Poinsette explained why she felt that an open meeting discussion was necessary, as the letter was not signed and provided no way to respond. She noted that a number of things mentioned in the letter are being addressed by the Homeless Task Force committee, and felt that the Board should publicly acknowledge the letter and offer the group the opportunity to address council regarding their concerns. Mayor Hatley suggested that this discussion be noted in the minutes and leaving the "follow through" up to them *(a copy of the letter is attached to a made an official part of these minutes)* City Manager Ritchie Haynes added that staff will be happy to assist in any way.

City Managers Update/Report

City Manager Ritchie began recognizing the three November 1st retirements that were included under the Consent Agenda. He also recognized Kobe Aires and Justin Elmore with the Distribution and Collections department and Daniel Perry at the Waste Water Treatment. Mr. Haynes spoke to the various career ladders that are currently in place and opportunity for advancement for employees that the City offers. Continuing, the City Manager spoke to the success of the morning meet-up recently held and his desire to have staff present and talk about this of interest to the stakeholders on a more regular basis. Haynes reminded Councilmembers of a number of dates and upcoming events, he also shared a letter received from a visitor commending city staff and local citizens that assisted him in his time of need. Housing information was included and explained in his report, as well as a copy of the emails between Josh Grant and Mark Boyd regarding courthouse project, showing the timeline for the project, which may help to answer questions from citizens. Mr. Haynes spoke briefly about increasing power bills for Duke Energy customers within the next two years. City customers will not be effected. Mr. Haynes shared information about the bus service that comes to Lincolnton and his request to the North Carolina DOT to have the stop moved and ultimately having Lincolnton removed from the next RFP due to the lack of value in the bus stop. He concluded with directing Councils attention to the quarterly update from the school system and providing an update from the Homeless Task Force Committee.

NEWS MEDIA

Both Wayne Howard and Mike Powell requested a copy of the letter from the Concerned Citizens Coalition Group. Mr. Powell also requested a copy of the information regarding the Courthouse project and asked a few questions about the Startown Road neighborhoods regarding the impact they will have on the affordable housing issue in Lincolnton.

CLOSED SESSION

Mayor Ed Hatley asked for a motion to enter into CLOSED SESSION to discuss real property, announcing that no action will be taken during the Closed Session. Councilmember Roby Jetton made a motion to go into Closed Session. Members voted 4-0 in favor of the motion.

ADOURNMENT

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

DAPHNE INGRAM, CMC
CITY CLERK

ED HATLEY
MAYOR

CITY OF LINCOLNTON INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 5th day of October, 2023, by and between THE CITY OF LINCOLNTON , a body corporate and politic (hereinafter referred to as “the CITY”), and HOSPITALITY SEATING CONCEPTS, a North Carolina corporation (hereinafter referred to as “HOSPITALITY SEATING CONCEPTS”).

WITNESSETH:

WHEREAS, HOSPITALITY SEATING CONCEPTS has developed plans for the facility improvements and installation of new manufacturing machinery and equipment in the City of Lincolnton, North Carolina; and

WHEREAS, the City of Lincolnton verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of The City of Lincolnton and to the welfare of its citizens; and

WHEREAS, the City Council wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding the City of Lincolnton’s tax base and providing additional jobs for City of Lincolnton’s citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the City Council has determined that it is appropriate and in the best interests of The City of Lincolnton and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the City Council believes that it is appropriate and reasonable to expect HOSPITALITY SEATING CONCEPTS to bind itself to the City to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the City;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before November 1, 2023 (actual effective date will be the start of the project) HOSPITALITY SEATING CONCEPTS shall begin facility improvements and installation of equipment and machinery in the City of Lincolnton, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), HOSPITALITY SEATING CONCEPTS shall make an investment upon such site in (building/land and/or machinery and equipment of \$6,629,000, (the expected capital investment) of which \$6,269,000 will qualify for incentives under the City of Lincolnton

Industrial Incentive Grant Policy.

3. Within two years of the effective date of this agreement, HOSPITALITY SEATING CONCEPTS shall provide at such site at least 20 new jobs paying average wages of \$1000.00 per week.

4. In consideration of the performance of the aforesaid obligations by HOSPITALITY SEATING CONCEPTS, the City will provide cash grants to HOSPITALITY SEATING CONCEPTS of \$23,508.70 per year for a five-year period. The City of Lincoln will pay such grants beginning in the tax year after the project's completion. Grants will be paid to HOSPITALITY SEATING CONCEPTS within 30 days after HOSPITALITY SEATING CONCEPTS has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level 1 grant under the City of Lincoln Industrial Development Incentive Grant Policy for New and Existing Industries.

5. HOSPITALITY SEATING CONCEPTS shall on a no less than annual basis provide evidence satisfactory to the City of Lincoln how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by HOSPITALITY SEATING CONCEPTS pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by HOSPITALITY SEATING CONCEPTS pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the City may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. HOSPITALITY SEATING CONCEPTS specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, HOSPITALITY SEATING CONCEPTS shall indemnify and hold harmless the City of Lincoln and the members of the City Council, individually and collectively, from any loss or liability and shall reimburse the City of Lincoln by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

COMPANY

By: _____
President

STATE

COUNTY

This the ____ day of _____, 20____, _____ personally came before me
_____ and acknowledged that he/she is _____ of _____, a
_____ corporation, and that by authority duly given and as the act of the corporation,
the foregoing instrument its name on its behalf as its act and deed.

Witness my hand and official stamp or seal, this ____ day of _____, 201__.

My Commission Expires: _____

Notary Public

CITY OF LINCOLNTON

By: _____
Ed Hatley, Mayor
City of Lincolnton

ATTEST:

Daphne Ingram
Clerk to the City Council

NORTH CAROLINA

LINCOLN COUNTY

This the ____ day of _____, 20__, personally came before me Daphnie Ingram, Clerk to the City Council of the City of Lincolnton, North Carolina, who being by me duly sworn says that she knows the common seal of the City of Lincolnton, North Carolina and is acquainted with Ed Hatley, who is the Mayor of the City of Lincolnton, North Carolina, and that she, the said Daphnie Ingram, is Clerk to the City Council of the City of Lincolnton, North Carolina, and saw the Mayor of the City of Lincolnton, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Daphnie Ingram, signed her name in attestation of said instrument in the presence of said Mayor of the City of Lincolnton, North Carolina.

My Commission Expires: _____

Notary Public



The Concerned Citizens Coalition Group

Lincolnton City Hall
114 W Sycamore St.
Lincolnton, NC 28092

Lincolnton Police Department
701 East Main St
Lincolnton, NC 28092

To: City of Lincolnton Government elected leaders and Police Officials

Atten:

Mayor Ed Hatley

Councilmembers: Christine Poinsette, Jill Tipton, Roby Letton and Kevin Demeny.

Police: Major Brian Greene (Interim Police Chief)

Police Community Service: Sergeant Jennifer Green

Subject: Addressing Failures in Handling Homelessness in Lincolnton and Its Impact on Crime, Safety, and Quality of Life for its citizens.

Dear Lincolnton City Officials and Police Department Officials,

I hope this letter finds you all in good health and high spirits. We are writing to express our deep concerns about the persistent challenges associated with homelessness in our beloved city of Lincolnton, North Carolina. While we understand that this is a complex issue, it has become increasingly evident that the current approach to addressing homelessness in our community is not working, and its negative consequences on crime, safety, and the overall quality of life for residents are becoming more and more pronounced.

Lincolnton has long been a city known for its tight-knit community and vibrant atmosphere. However, over the past several years, it has become quite apparent that the homelessness crisis is affecting our city in a variety of ways, and the

situation requires immediate attention and a comprehensive and a more focused approach. Below, we have outlined some of the concerns and challenges that we, as concerned residents, have observed:

Increase in Crime: The presence of homeless individuals in certain areas has been linked to an uptick in property crimes and disturbances. Residents no longer feel safe walking in certain parts of our city, which is adversely affecting our neighborhoods, schools, property values and quality of life.

Safety Concerns: Both homeless individuals and residents are exposed to unsafe living conditions. Homeless encampments without proper sanitation and security measures pose health and safety risks to everyone involved. Along, with drug needles and paraphernalia being found around on our streets and walking paths.

Quality of Life: Our city's image is suffering greatly, and businesses are concerned about declining foot traffic due to the perception of an unsafe environment. This affects our local economy and, in turn, the prosperity of our community.

We understand that in the past Lincolnton has tried to take measures to address the homeless issues that have continued to be increasing in our city. Meanwhile, well-meaning non-profit organizations that give out free meals have just complicated the homeless problem by attracting more and more homeless into our area. The word is out amongst the homeless community to go to Lincolnton for Free meals! While the again well-meaning efforts by the city have also failed to slow the migration of homeless and rising crime into our fair city.

Years of these well-meaning efforts have led to little or no real sustainable positive results and the problems continue to create major negative consequences on our town of Lincolnton and for our citizens.

Thus, we are urgently requesting a stricter and harsher approach to handling homelessness and crime in our beautiful small country town, that would prioritize immediate and forceful measures. Here are some of our citizen recommendations for a direct approach with more focus on strict enforcement:

Zero Tolerance Policy: Implement a zero-tolerance policy for all criminal activities, regardless of the severity. This includes panhandling, loitering, public intoxication, and property crimes. Swift arrests and prosecution should be the norm.

Increased Police Presence: Flood high-crime areas with law enforcement officers 24/7. Make their presence known and employ aggressive patrols to deter criminal behavior.

Rapid Response Units: Establish specialized rapid response units to deal with crimes in progress. These units should have the authority to use necessary force to apprehend criminals swiftly.

Stricter Sentencing: Advocate for stricter sentencing for repeat offenders, with an emphasis on mandatory minimum sentences for certain crimes. Ensure that convicted individuals serve their full sentences without early release options.

Strengthened Drug Enforcement: Launch a relentless crackdown on drug trafficking and distribution networks. Deploy undercover officers to infiltrate drug rings and dismantle them. Deploy undercover officers into the Lincolnton homeless community to gather information on drug or illegal activities.

Homeless Sweeps: Conduct regular homeless sweeps in public spaces, ensuring that no encampments or makeshift shelters are allowed to persist. Provide temporary housing only in secure facilities, tightly monitored for illicit activities or remove such individuals to jurisdictions that have such facilities.

Lighting and Access: Areas such as the Rail Trail and Downtown Library areas should have better and brighter lighting at night. Areas where homeless along the trail steps and other areas should have underbrush, overgrowth and tree limbs heightened or cleared and removed. Both these areas need to be patrolled and have a more visible police presence throughout the day and evening.

Begging Ordinances: Enforce strict ordinances against panhandling. Impose hefty fines and imprisonment for violators. Create public campaigns to stop citizens from making donations to panhandlers with consideration of issuing fines for doing so.

Surveillance and Monitoring: Install surveillance cameras in more public areas, with the possibility of gaining and using facial recognition technology to track known criminals. Share this data across agencies and with neighboring jurisdictions.

Mandatory ID Checks: Implement mandatory ID checks for individuals in high-crime areas, especially during late-night hours. Failure to produce valid identification should result in detention until identity is confirmed.

Removal of Homeless Tents and structures: We all have seen the obviously mentally impaired homeless man wondering our streets that creates tarped trash structures by corner of Generals Blvd. Now, others are following with taking of wheeled store shopping carts and trash tarps and items, they find by digging through large garbage bins behind shopping centers and businesses. Sleeping on benches on main street, loitering around non-profit free food hand out organizations just a block off our town's main street. They are now making sleep areas near this area.

Curfew for Known Offenders: Impose a strict curfew for individuals with a history of criminal activity, preventing them from being in public spaces during certain hours.

Citizen Reporting Rewards: Offer monetary rewards to citizens who report criminal activity leading to arrests and convictions. Encourage community involvement in identifying and removing criminals from the streets.

Confiscation of Assets: Seize the assets and property of known criminals if they are found to be involved in criminal enterprises. Use the proceeds to fund law enforcement efforts.

No-Loitering Zones: Designate areas with high crime rates as "no-loitering" zones, prohibiting individuals from congregating in public spaces for extended periods. Around non-profit centers, Rail Trail, Library, etc...

Public Awareness Campaign: Launch a public awareness campaign to inform residents about the strict approach and its intended impact on reducing crime.

Lack of Access to Services: We also understand that Homeless individuals often struggle to access the necessary services, such as shelter, healthcare, and mental health support. This perpetuates the cycle of homelessness and hinders their chances of recovery and reintegration into society. However, being a small country town, our budget and resources are limited and, in many cases, it may be best to relocate many of our homeless out of the area, to larger jurisdictions where they would have better access to such services. We recommend that Lincolnnton provide a bus fund to offer individuals bus tickets to other better services equipped jurisdictions or States, or to provide transportation back to out of town family for reunification and support.

Collaborative Solutions: It is crucial that the city officials and the police department work collaboratively with the existing local nonprofits, social service agencies, and concerned citizens to develop a comprehensive strategy for addressing our homelessness problems. This strategy should also address non-profit efforts that seem to do more to attract more homeless, than help to get the homeless off the streets.

It is important to understand that our citizens requests for handling the ever-increasing homelessness and crime issues besieging our city are to endorse programs and actions that will reduce these issues and are not meant to be just well-meaning efforts that lead to making living on the streets easier. Instead, we are requesting for our city to implement and provide a tough love approach to encourage and help get people off the streets, or removed to other larger jurisdictions which have more service facilities available for them to get the help and support they need.

We highly recommended the adoption and use of strict law enforcement and strict city ordinance implementations that we are requesting. Unfortunately, over the past years, city government leaders, local non-profits and limited police actions have just made it more comfortable and easier to remain on the streets of Lincolnnton and reversely have been attracting more homeless to our city.

We implore you to consider these concerns seriously and take immediate action to address the homelessness crisis in Lincolnton. Together, we can find solutions that improve the lives of both our homeless residents and the broader community. These issues require a multi-pronged approach involving policy changes, new stricter city ordinances, strict enforcement, combined efforts of multiple city departments and increased funding towards these efforts.

We also ask that well publicized efforts for participation in community meetings or initiatives aimed at addressing these issues and working towards a more equitable and safer Lincolnton, should be promoted. Let us come together to find solutions that will restore our city's reputation as a vibrant, welcoming, and secure place to live and raise our families.

Thank you for your immediate attention to this matter, and we look forward to positive developments in addressing homelessness and crime issues in our beloved community of Lincolnton, North Carolina.

Sincerely,

CCCG

*The Concerned Citizens
Coalition Group*

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES

1

ALL RELEASES OVER \$100

PERIOD COVERED
September 16, 2023 THROUGH October 15, 2023

NAME	YEAR	DISTRICT	A/C NUMBER	AMOUNT	REASON
Houser, Marshall	2023	22	0071543	\$208.47	Board of E&R appeal
Labauch, Phillip	2023	22	0259025	\$702.75	Board of E&R appeal
Lincoln Nursing Center	2023	22	25474	\$4,153.84	Board of E&R appeal
Lowes Home Centers Inc	2023	22	0139428	\$68,017.70	Board of E&R appeal
Rushing, Barbara	2023	22	0095970	\$216.42	Board of E&R appeal
Veterans Victory Garden	2023	22	0250559	\$2,542.01	Board of E&R appeal
Williams, Roger	2023	22	0282108	\$288.03	Board of E&R appeal
Ziggy Capital Fund 1 LLC	2023	22	0291963	\$1,866.53	Board of E&R appeal

SUBMITTED BY:

 DATE: 10-18-2023

SUSAN SAIN TAX ADMINISTRATOR

APPROVED BY:

DATE: _____
RICHARD HAYNES CITY MANAGER



Lincoln County Board of Commissioner's Agenda Item Cover Sheet

Board Meeting Date:	November 2	Agenda Item Type:	Consent Agenda:	☒	Public Hearing:	☐	Regular Agenda:	☐
Submitting Person:	Susan Sain	Presentation Time (est):						
		Phone Number/Ext:	704-736-8540					
Presenter at Meeting:		Email:	ssain@lincolncounty.org					
		Phone Number/Ext:						
Submitting Department:	Tax	Email:						
		Department Head Approval:	<i>Susan Sain</i>					
Description of Agenda Item:								
Refunds – Annual over \$100.00 for approval by City Council September 11, 2023 – September 24, 2023 September 25, 2023 – October 8, 2023								
Background & Basis of Recommendations:								
Action/Recommendations:								
Approve								
Time Sensitivity (none or explain):								
Budget Impact (if applicable):								
List of Attachments (if any):			Refund Cover Sheet					

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 11, 2023 - SEPTEMBER 24, 2023)

G.S. # 105-381(B) ALL REFUNDS ANNUALS MORE THAN \$100.00
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
FIRST FEDERAL SAVINGS BANK	2023	CITY	0253753	\$401.80	BOARD OF E&R APPEAL
TOTAL				\$401.80	

SUBMITTED BY:  DATE: 10-18-2023

APPROVED BY: _____ DATE: _____
RICHARD HAYNES, CITY MANAGER

RECEIVED BY: _____ DATE: _____

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 25, 2023 - OCTOBER 8, 2023)

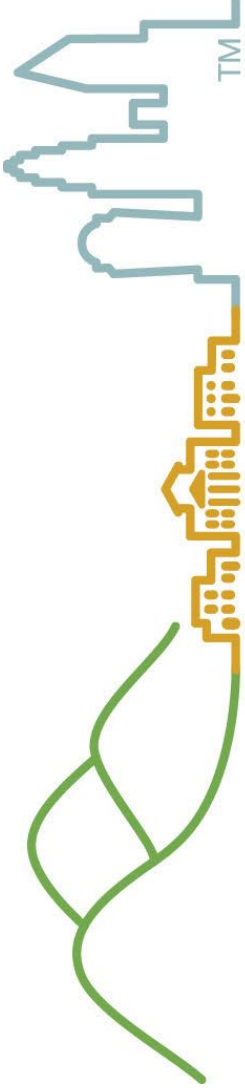
G.S. # 105-381(B) ALL REFUNDS ANNUALS MORE THAN \$100.00
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
CENTRAL CAROLINA SPRINKLER CO.	2023	CITY	0282108	\$282.27	BOARD OF E&R APPEAL
CORELOGIC CENTRALIZED REFUNDS	2023	CITY	25474	\$4,070.76	BOARD OF E&R APPEAL
LABAUCH, PHYLLIS HOFFMAN	2023	CITY	0259025	\$290.86	BOARD OF E&R APPEAL
LABAUCH, PHYLLIS HOFFMAN	2023	CITY	0259025	\$113.20	BOARD OF E&R APPEAL
LABAUCH, PHYLLIS HOFFMAN	2023	CITY	0259025	\$284.63	BOARD OF E&R APPEAL
RUSHING, BARBARA H.	2023	CITY	0095970	\$212.09	BOARD OF E&R APPEAL
TOTAL				\$5,253.81	

SUBMITTED BY:  DATE: 10-18-2023

APPROVED BY: _____ DATE: _____
RICHARD HAYNES, CITY MANAGER

RECEIVED BY: _____ DATE: _____



Lincolnton NC

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Public Hearing Staff Analysis

ZMA-4-2023

849 S. Laurel Street

PID 17504

Existing: Office Institutional (O-I)
Proposed: General Business (GB)

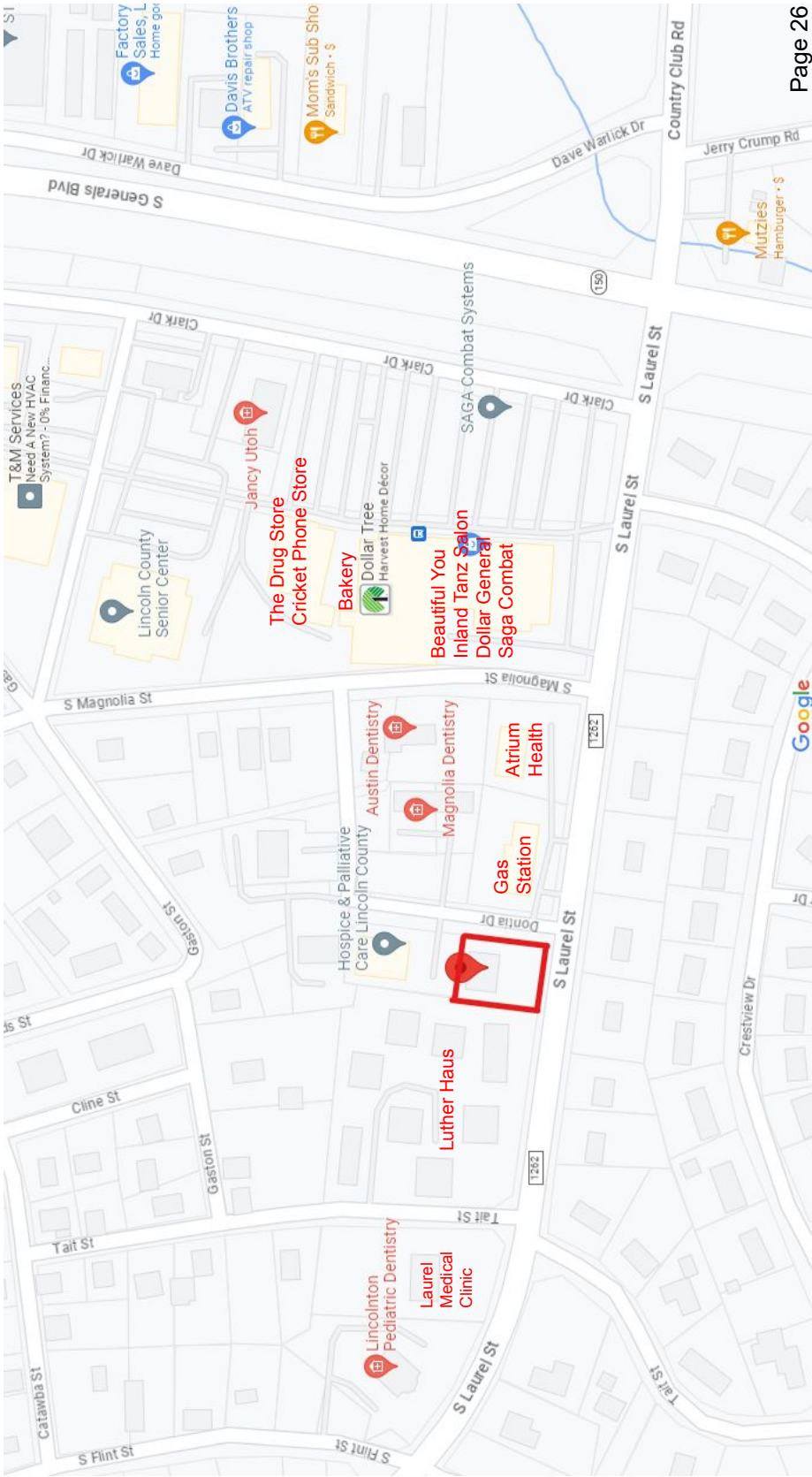
Applicant is requesting a zoning map amendment from OI to GB to be able to attract a wider variety of tenants.



PROJECT AREA



ADJACENT USES



SITE INFO AND BACKGROUND

Site Summary:

- 2,594 SF building
- Built in 1973
- Current owner purchased February 2022

Previous Uses:

- 7 Eleven gas station
- Church
- Medical Office

Planning Department:

- Some uses may require screening between residential and commercial properties
- New tenants would require permits from both City of Lincolnnton and Lincoln County



STREET VIEWS



O-I Permitted Uses*	G-B Permitted Uses*
● Barber shop/beauty shop ● Bed and breakfast inns ● Cemeteries as a principal use ● Daycare centers ● Florist ● Food catering service ● Funeral homes ● Gift shop having less than 2,500 square feet of gross floor area ● Libraries ● Two-family dwellings ● Office buildings containing 5,000 square feet or less of gross floor area ● Hospitals ● Optician ● Pharmacy ● Medical clinics <i>*complete permitted use lists attached at the end of report</i>	● Wide variety of retail uses that DO NOT ALLOW outdoor storage including: antique store, appliance store, arts and crafts, automobile and boat supply stores, clock shop, computer shop, clothing store, feed and seed, food store, garden center, hobby shop, etc. ● Most of the same uses listed under O-I ● Locksmith ● Laundromat ● Auto body shop or automobile garage ● Alteration Shop ● Assembly hall ● Car wash ● Bowling alley ● Exterminator service ● Hotel/motel ● Tanning or fitness center ● Interior decorator ● Pawn Shop ● Skating rink

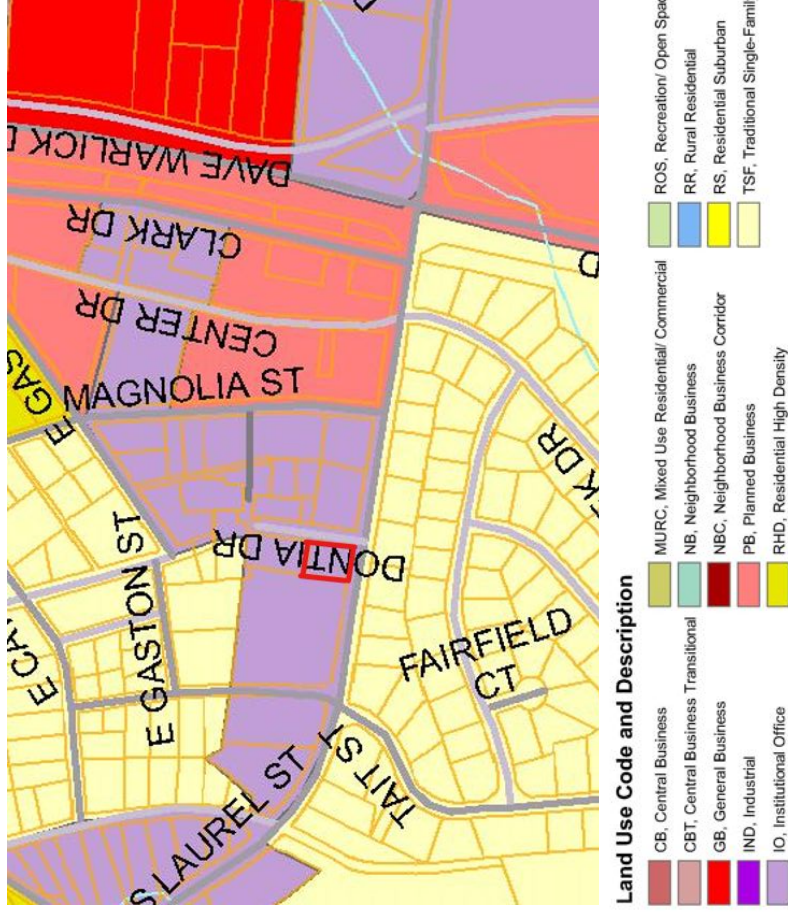
LAND USE PLAN COMPLIANCE

The land use plan shows the property in the mostly in the Neighborhood Business area with a portion in Institutional Office Planning Area.

Institutional-Office These planning areas are appropriate for new and/or expanded institutional uses and associated office developments. They are generally compatible with adjoining residential uses and can serve as transitional areas between more traditional retail and commercial areas and residential uses.

Planned Business The large majority of commercial uses (outside Downtown Lincolnnton) are likely to occur in planned business areas. Planned business areas are designed to be the City's "destination shopping areas." They encompass most larger shopping centers and commercial areas along the City's major corridors. New developments are recommended to be compact in nature, with buildings oriented towards abutting public roads (as opposed to having large parking lots dominating the visual landscape from such roads) and with pedestrian accessibility both leading to and within the site being of high importance. Mixed-use residential/commercial developments are strongly encouraged where feasible and appropriate. "Power centers"- developments that contain a number of large retail outlets- are allowable only through a conditional rezoning and should be designed to ensure compatibility with surrounding areas.

LAND USE PLAN



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

Case No. ZMA-4-2023
Applicant: Windfall Properties
Parcel ID#: 17504
Location: 849 S. Laurel Street
Request: Rezone from O-I to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Institutional Office Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan but is reasonable in the following ways:

CONSISTENT: Work with the landlords of vacant and under-utilized commercial buildings to develop strategies for adaptive reuse (including the possibility of mixed commercial-residential use.)

REASONABLE: The rezoning is reasonable in that it will potential help a vacant and underutilized building have a new commercial use.

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

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

Case No. ZMA-4-2023
Applicant: Windfall Properties
Parcel ID#: 17504
Location: 849 S. Laurel Street
Request: Rezone from O-I to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Institutional Office Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan.

INCONSISTENT: The rezoning would be inconsistent with the land use plan because it would

NOT REASONABLE: The proposed use is not viewed as desirable in the area.

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

Planning Board Results:

6-0 in favor of approval

Staff recommend the following action:

1. Recommend approval of rezoning of the property from O-I to GB
2. Approval of the statement of consistency for approval of the rezoning request
3. Amend the Land Use Map to show the area in the Planned Business Planning area and to include the neighboring gas station, Parcel ID 22132 in the Land Use map amendment

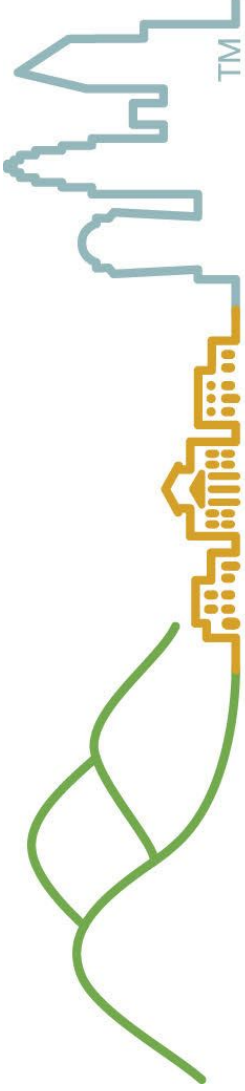
MOTION

For approval of the request:

- Motion to approve as recommended by staff

For denial of the request:

- Motion to deny request for rezoning
- Motion to approve the statement of consistency for denial of request



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Public Hearing Staff Analysis

CZ-10-2023

W. Main Street Ext.

PIDs 71202 and 104070

SUMMARY

Zoning

Existing: R-10

Proposed: Transitional Infill Development (TID)

Current Use: Residential

Proposed Use: Residential

Request Summary

Applicant is requesting a conditional zoning from R-10 to TID for the purpose of constructing 8 townhomes.



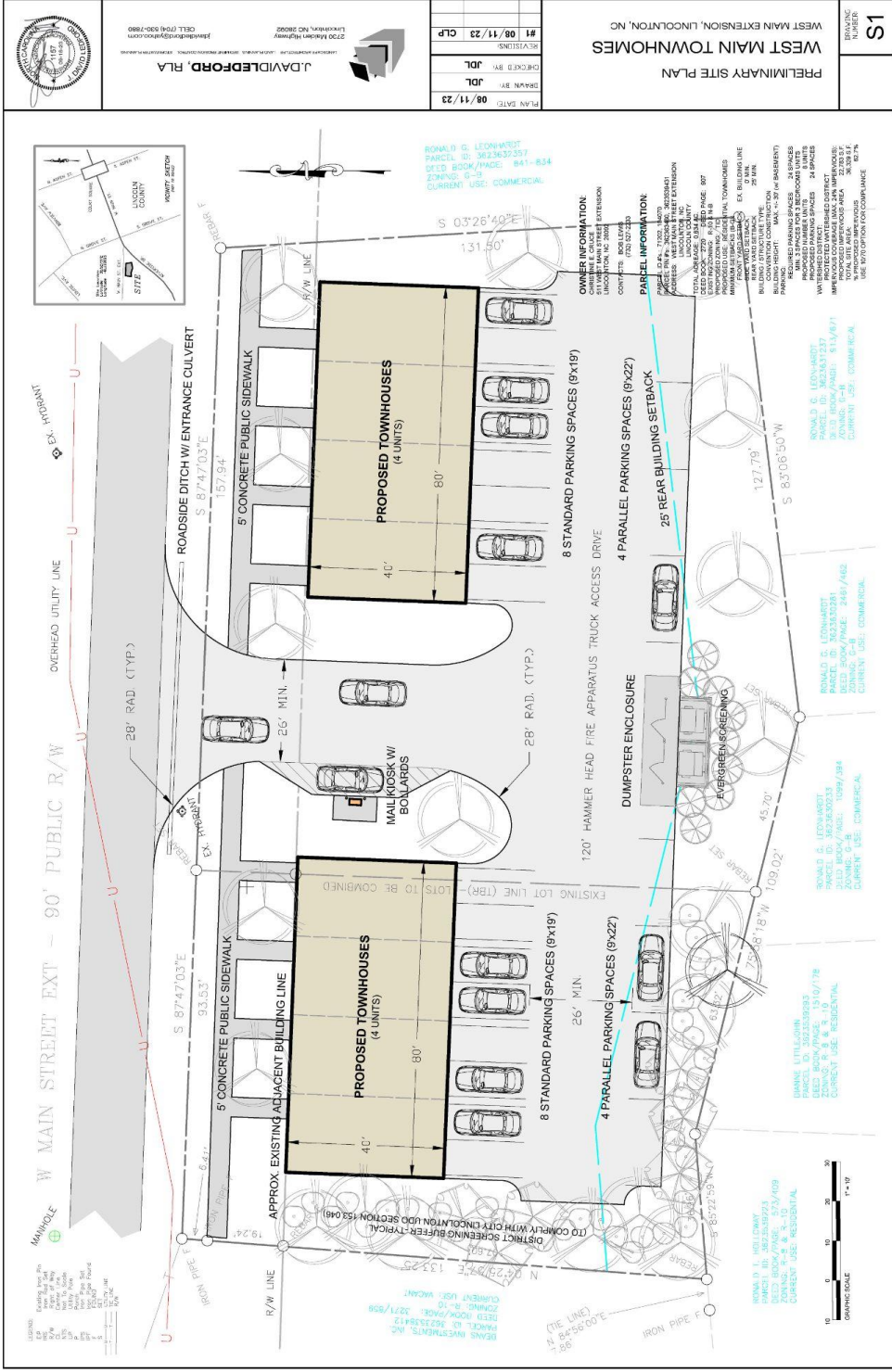
This is an aerial map of a residential neighborhood. The map displays property boundaries in yellow lines and lot numbers in green text. A specific lot, located in the center-left of the map, is highlighted with a red border. This lot is situated between WEST MAIN STREET EXTENSION to the west and WEST WATER STREET to the east. The lot number for this highlighted property is 71202. Other nearby lot numbers include 511, 71202, 16335, 20743, 15888, 15869, 20742, 20747, 20741, 17459, 17453, 00562, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 18961, 22153, 58412, 58413, 16640, 519, 517, 17505, 103745, 521, 00560, 00562, 17453, 20739, 20740, 632, 622, 616, 606, 611, 53398, 105900, 20741, 20745, 0270, 701, 635, 20987, 619, 56487, 20986, 638, 20998, 17751, 523, 524, 512, 20989, 103649, 17372, 57184, 123, 820, 524, 19320, 425, 20999, 55464, 20991, 401, 50540, 107, 401, 00571, 00518, 53229, 15762, 20753, 19322, 505, 507, 415, 20732, 1896

STREET VIEWS



SITE PLAN

- 8 - 3 bedroom/2 bath units
- 2 car garages underneath each unit
- 24 parking spaces in addition to the 8 garage spaces



LAND USE PLAN COMPLIANCE

The land use plan shows the property in the mostly in the Neighborhood Business area with a portion in Traditional Single Family Planning Area.

Neighborhood Business. These planning areas are for small business clusters that cater to the needs of a relatively small trading area. Accordingly, they are appropriate for smaller-sized stores and establishments. Neighborhood business planning areas are designed to be compact in nature and located at key road intersections. New neighborhood business areas are also strongly encouraged for location in association with planned residential developments and/or new larger-sized subdivisions. Neighborhood business areas shall be located on at least two separate lots or a lot having an area of at least two acres.

Traditional Single Family

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

Mixed-Use Residential/Commercial These are planning areas in select, older portions of the City where true "urban villages" consisting of high-density residential uses (both single- and multi-family) and associated small-scale and pedestrian-oriented offices and retail uses may be located. The thrust behind these planning areas is to create areas in which persons are able to both live, work and shop. They are designed to emulate development patterns from the early and mid portions of the twentieth century when reliance on the automobile was not paramount. In order for such a concept to be feasible, an area of significant size must be so designated thus ensuring that there will be ample room for the variety of uses needed to create a "village."

LAND USE PLAN



Land Use Code and Description

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

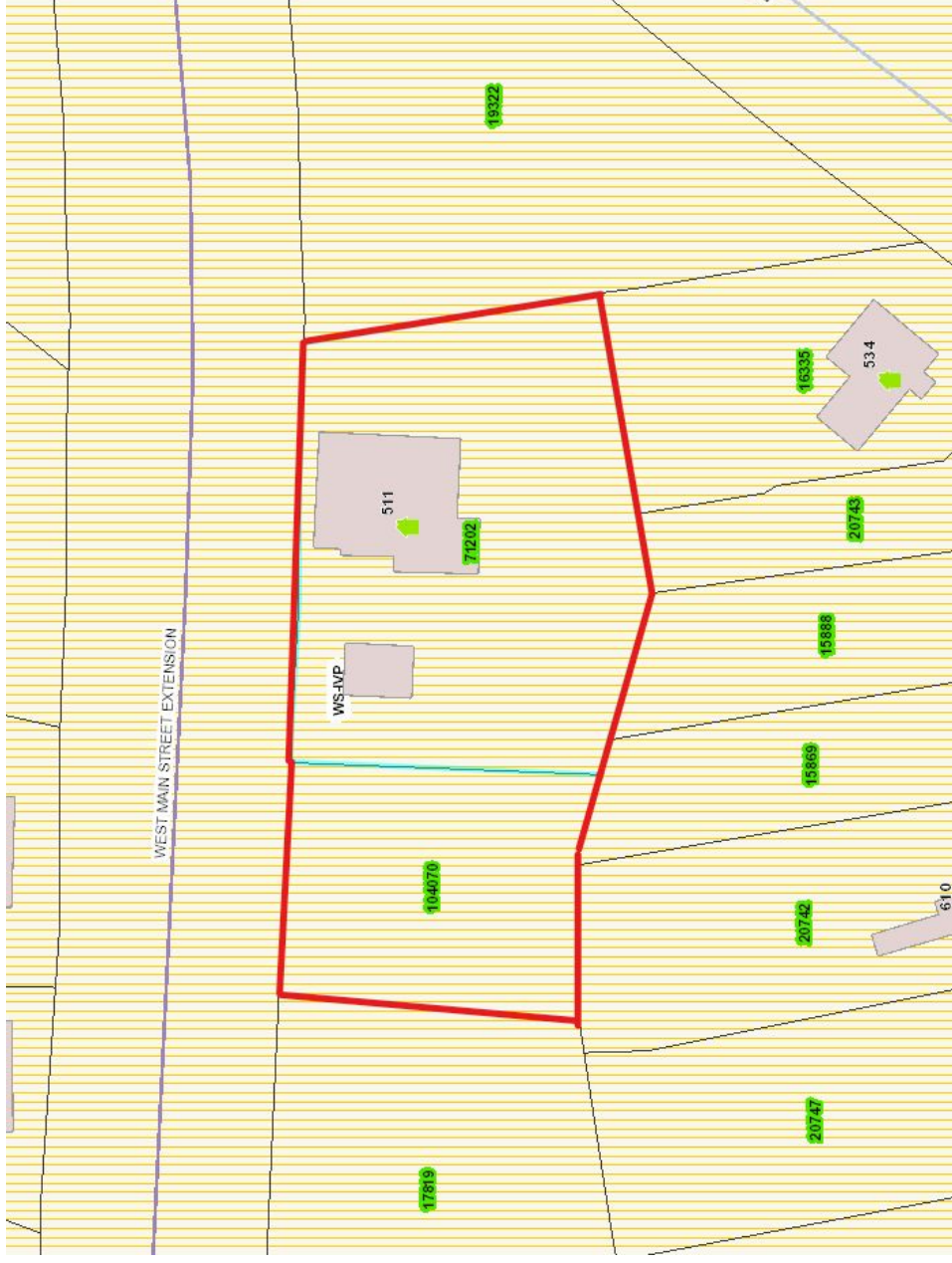
WSW-IVP

WATERSHED DISTRICT:
Protected Watershed District

IMPERVIOUS COVERAGE
Proposed Impervious Area:
22,783 S.F.
Total Site Area: 36,329 S.F.

Percentage Proposed
Impervious **62.7%**

Use 10/70 Option For
Compliance



STAFF COMMENTS /CONDITIONS OF APPROVAL

Planning Department - Zoning be effective upon receipt of signed conditions of approval. Permits would need to be obtained from both City of Lincolnnton and Lincoln County.

Fire - Site plan meets appendix D, no comments.

Public Works - City would require a driveway permit. Sidewalks need to meet City standards including a depth of 6” at the driveway.

Streets & Sanitation - A driveway permit would be required. Make sure that sidewalks meet City requirements and are 6” deep at the driveway crossing area. If these are rentals a dumpster is required, if they are sold as individual units City will provide rollout trash containers.

City Water/Sewer/Electric -Coordinate with City Utilities and Electric Department.

Soil and Erosion - Will need approved soil and erosion plan prior to grading.

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

Case No. CZ-10-2023
Applicant: Bob Lewis
Parcel ID#: 71202 and 104070
Location: W. Main Street Ext
Request: Rezone from R-10 and NB to TID

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business and Traditional Single Family Planning Area. The proposed rezoning request is **not consistent** with the Lincolnton Land Use Plan however, the following strategies make it reasonable:

CONSISTENT: The rezoning is consistent with the land use plan because it will provide a variety of housing styles, densities and locations and encourage design and construction of alternative style housing and infill development.

REASONABLE: The rezoning is reasonable in that it provides for a compatible land use adjacent to single-family zoning.

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

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

Case No. CZ-10-2023
Applicant: Bob Lewis
Parcel ID#: 71202 and 104070
Location: W. Main Street Ext
Request: Rezone from R-10 and NB to TID

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business and Traditional Single Family Planning Area. The proposed rezoning request is **not consistent** with the Lincolnton Land Use Plan.

INCONSISTENT: This property is largely in the Neighborhood Business Planning area and is appropriate for smaller-sized stores and establishments.

NOT REASONABLE: The rezoning is not viewed as desirable in this area.

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

Planning Board Results:

5-1 in favor of approval

Staff recommend the following action:

1. Recommend approval of rezoning of the property from R-10 to Transitional Infill Development
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval
4. Land Use Map be amended to show this area in the Mixed Use Residential Commercial Planning Area

MOTION

For approval of the request:

- Motion to approve as recommended by staff

For denial of the request:

- Motion to deny request for rezoning
- Motion to approve the statement of consistency for denial of request



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: November 2, 2023
From: Jean Derby, Planning Director
Subject: Application from the City of Lincolnton to amend Section 152 Flood Damage Prevention Ordinance in accordance with the 2021 NC Model Flood Damage Prevention Ordinance Non-Coastal

Summary:

Mandated that we update the ordinance according to guidelines. If we don't update, we will not be eligible for any FEMA money in the event of flood damage.

Background:

Fiscal Impact:

N/A

Recommendation:

Recommend approval.

Attachments:

1. City of Lincolnton Flood Damage Prevention Ordinance - Updated August 2023

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

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FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of Lincolnton, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of the City of Lincolnton are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;

- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated 07/12/2007.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, dated 07/12/2007.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps

(FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation

of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures and be inspected by building inspectors.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

(Optional alternative acceptable language for Reference Level) “Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus* (2) feet freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which

have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, *including Extra-Territorial Jurisdictions (ETJs), as allowed by law*, of the City of Lincoln.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated 08-16-2007 for Lincoln County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Lincolnton or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lincolnton from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Zoning Administrator hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO.

- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.
- (g) The flood openings requirements.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements.**

- (a) Elevation Certificates
 - (i) An Elevation Certificate (FEMA Form FF-206-FY-22-152) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be caused to deny a floodplain development permit.
 - (ii) An Elevation Certificate (FEMA Form FF-206-FY-22-152) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period

and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- (iii) A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be caused to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (ii) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zones A, AE, AH, AO and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
 - (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of

the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures that are 150 square feet or less or \$5,000 or less and meeting requirements of Article 5, Section B(8).

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- (22) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the City of Lincolnton, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.

- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
 - (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The City of Lincolnton has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement must also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas,

electrical, and water systems located and constructed to minimize flood damage.

- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- (16) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or

substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (b) Shall not be temperature-controlled or conditioned;
 - (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (d) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
 - (e) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
- (5) Additions/Improvements.
- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. *Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.* If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) Temporary Placement
 - (i) Be on site for fewer than 180 consecutive days; or
 - (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
 - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before

landfall of a hurricane or immediately upon flood warning notification);

- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than (150) square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the

inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

- (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
 - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level

shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the

25

highest adjacent grade if no depth number is specified.

- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted 12-01-1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Lincoln enacted on 12-01-1981, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Lincoln County is 12-01-1981.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective _____

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the City Council of the City of Lincolnton, North Carolina, on the Day (number or text) day of Month, Year.

WITNESS my hand and the official seal of insert Name, Title, this the Day (number or text) day of Month, Year.

(signature)

(Seal)



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: November 2, 2023
From: Pamela McBryde, Finance Director
Subject: Budget Amendment to General Fund, Boger City Fire District, Powell Bill Fund and Water & Sewer Fund

Summary:

Request for Approval to amend the Annual Budget Ordinance for the fiscal year ending June 30, 2024

Background:

See Attached

Fiscal Impact:

See Attached

Recommendation:

Approval

Attachments:

1. BA-08-23

CITY COUNCIL

Ed L. Hatley, Mayor
 Christine Poinsette, Mayor Pro-Tem
 Roby D. Jetton
 Kevin Demeny
 Jill Tipton

**CITY MANAGER**

Richard Haynes
rhaynes@lincolntonnc.org

CITY CLERK

Daphne Ingram
dingram@lincolntonnc.org

CITY ATTORNEY

John M. Friguglietti, Jr.
john@davidsonlawyers.net

BA-08-23

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, 2024.

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

General Expense	\$	95,575
Fire		1,540
Solid Waste		525
Planning/Zoning		36,142
	\$	133,782

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

Solid Waste Rollout Fees	\$	525
Zoning Department Fees		36,142
Fire Department Fees		1,540
Interest-General Fund		91,149
Insurance Settlement		1,464
Federal Equitable Deposits		2,962
	\$	133,782

General Fund: To record the code enforcement fees from the Lithia Inn Road property, Fire Department fees, Solid Waste roll out sales, interest income generated for the first quarter, three insurance claim settlements, and Federal Equitable reimbursement for the Police Department.

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

Boger Ciy Fire Tax	\$	1,196
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Section 4: To amend the Boger City Fire District Fund, the revenues are to be changed as follows:

Investment Income	\$	1,196
	\$	1,196

Boger City Fire District: Record interest income.

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

Powell Bill Construction/Other	\$	2,084
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Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	2,084
	\$	2,084

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:

Distribution and Collection	\$	24,187
Water and Sewer Intangibles		3,863
	\$	28,049

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

Connection Charges	\$	24,187
Other Operating Revenues		3,863
	\$	28,049

Water and Sewer Fund: Record sewer connection charges and 2 insurance claim settlements.

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

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

TOTAL AMENDMENT	\$	165,111
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Adopted this 2nd day of October, 2023

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: November 2, 2023
From: Laura Morris, Community Relations Director
Subject: Consideration/Approval of three Lincolnton Tourism Development Authority (LTDA) art projects - Two (2) murals and the Court House Banners

Summary:

Request for approval for the following artwork:

The Mill Mural at 101 Court Square

The Welcome Mural at 723 East Main Street

The Courthouse banners (final revisions based on County Commissioners and Historic Property review)

Background:

See Attached

Fiscal Impact:

Recommendation:

Approve

Attachments:

1. Textile Mill Mural Overview v2
2. Welcome Mural overview v2 (1)
3. LTDA CH Banners2

Textile Mill Mural Project

Location: 101 Court Square, wall above the "Patio"

Owner: Mac Harvey

Artists: Tom Owens & Ritchie Rhyne



Welcome to Lincolnton Mural Project

Location: 723 East Main Street, Little Hidden Gem/Computer Clinic

Owner: SGT Holdings, LLC, Janice & Randy Rollins

Artist: Stacey Smith, Blue House Studio

Size: 12.8 x 32 ft



Design Notes

L- Apples

I- Pots

N- Wine/Wineries

C- Ballet/Nutcracker

O- Veterans

L- Caboose/train

N- Cotton Plant (repres. cotton mills)

T- Battle

O- Antiques and shopping

N- Rail Trail looking out on Lab Mill/S. Fork River.



Court House Banner Project

Location: 1 Court Square, Historic Lincoln County Courthouse

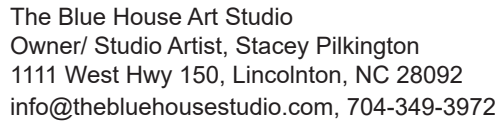
Owner: Lincoln County NC

Project scope:

Install museum banners at the request of Lincoln County to support Court House reuse project. Design graphics, produce banners, coordinate installation and use LTDA funds to finance the project.

Next steps:

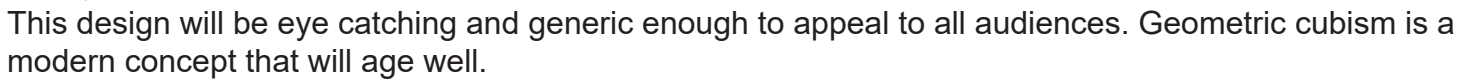
1. LTDA approves funding for the project; provides design preference and notes.
2. Lincoln County Steering Committee reviews project, design options and notes.
3. Lincoln County Historic Properties determines appropriateness for Court House exterior and approves final artwork.
4. Design modifications shared with LTDA & Steering Committee through the HPC review process.



Project Title : LTDA CH Banners

Start Date : __ 9-8

- Reduce black by 30%.





The Blue House Art Studio
Owner/ Studio Artist, Stacey Pilkington
1111 West Hwy 150, Lincolnton, NC 28092
info@thebluehousestudio.com, 704-349-3972

Final Proof_Court House Banners





LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: November 2, 2023
From: Daphne Ingram, City Clerk
Subject: Notification of Openings for Boards, Committies and Commissions

Summary:

The City of Lincolnton will be accepting applications for upcoming vacancies on several Boards and/or Commissions.

Background:

The City of Lincolnton will be accepting applications for upcoming vacancies for several of our Boards and/or Commissions. Per the City's policy governing appointments to the various boards, individuals must reside inside the corporate limits of Lincolnton to be eligible to serve, and no citizen may serve in more than one appointed position of the city unless exempted by nature of the position held. Terms shall be three (3) years and no citizen may serve more than two (2) consecutive full terms (6 years).

Members that have completed their first- three (3) year term are eligible for re-appointment to serve a second three (3) year term.

Fiscal Impact:

NA

Recommendation:

NA

Attachments:

1. BOARDS AND COMMISSIONS - 2023 EXPIRING TERMS

**BOARDS AND COMMISSIONS
EXPIRING TERMS – (December 2023)**

<u>BOARD</u>	<u>NAME</u>	<u># OF TERMS</u>
A B C BOARD	EMILY ROBINSON	2ND TERM
HOUSING AUTHORITY	RALPH LINEBERGER	2ND TERM
HOUSING AUTHORITY	KRISTY MCBRYDE	1ST TERM
HISTORIC PROPERTIES	LAURA GREGORY	1ST TERM
TOURISM AUTHORITY	RANDALL WILLIAMS	1ST TERM
PLANNING BOARD	KRISTIN RADEBAUGH	(FILLED UN-EXPIRED TERM OF JOY SMITH)
RECREATION BOARD	NATHANIEL INGRAM	1ST TERM
RECREATION BOARD	SANDRA VILLANOVA	1ST TERM