



**LINCOLNTON
AGENDA
February 1, 2024
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

- January 4, 2024 - Regular Meeting Minutes
- Lincoln County Tax Dept. - Requests for Refunds and Releases period ending 01-15-2024
- Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Nuisance Ordinance for 602 Lithia Inn Road

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 ZTA-1-2024 Application from David Black requesting a text amendment to Section 153.117 (GMC District) of the Lincolnton Unified Development Ordinance to allow for resort/vacation lot rentals for campers and RV's and accessory structures for a community pool, clubhouse, etc...**

Jean Derby, Planning Director

4. REGULAR AGENDA

- 4a Consideration/Approval of Proposal for Engineering Services for the new Public Service Center - Becker Mogran Group**

David Ramsey, Business Services Director

**114 WEST SYCAMORE STREET • P.O. BOX 617 • LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE (704) 736-8980**

4b Consideration/Discussion Regarding the Creation of a Social District in Downtown area

Ritchie Haynes, City Manager

4c Consideration/Approval of Rail Trail Banner Design

Nathan Eurey, Public Services Director

5. OTHER BUSINESS

5a Executive Summary Report

Pamela McBryde, Finance Director

5b City Managers Update/Activity Report

NEWS MEDIA

ADJOURNMENT

REGULAR MEETING – JANUARY 4, 2024

The Lincolnnton City Council met in Regular Session on Thursday, January 4, 2024 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnnton, NC.

Mayor Hatley called the meeting to order, reminding everyone wishing to speak to sign up. Mayor Hatley asked everyone to stand for a moment of silence before leading the Pledge of Allegiance. The following Council members were in attendance:

DEMENY POINSETTE TIPTON JETTON

Prior to taking action on approving the agenda's, Mayor Hatley added item #8, Closed Session to the Regular Agenda and the Clarifier Bid Response Tabulation sheet to the Consent Agenda

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

Councilmember Tipton made a motion to approve the *CONSENT AGENDA* as follows

- Approved the Minutes from the December 7, 2023 Regular Meeting
- Retirement Recognition – Jennifer Boyles – 11 Years of Service
- Clarifier Bid Response Tabulation

Members voted 4-0 in favor of the motion.

PUBLIC COMMENT

Mayor Ed Hatley invited those wishing to speak during the public comment portion of the meeting to do so. Each individual was allowed three minutes. Mr. Alan Hoyle and Mr. Trent Mason addressed council respectively.

PUBLIC HEARINGS

CZ-13-2023

Application from Jonathan Hole requesting a conditional district rezoning of 3.05 acres of land from GMC to TID district to construct a housing development. The subject property is located on the east side of

South Edwards Street, approximately 450 feet south of the intersection of South Edwards Street and East Main Street Parcel ID 00621)

Mayor Ed Hatley opened the public and recognized Planning Director Jean Derby to review the request. Ms. Derby began by showing a zoning aerial of the property and giving a summary of the proposed use. She provided both street views, as well as an aerial of adjacent properties and businesses. Ms. Derby spoke to the site plan, which provided detailed information on the proposed project, and the need that it will fulfill. She spoke to the Land Use Plan, stating that while the rezoning is not consistent with the future land use map, strategies outlined in the Land Use Plan make this rezoning reasonable. She mentioned staff comments and several conditionals of approval expressing staffs recommendation of approval of the rezoning from GMC/R-10 to TID.

Alisha Friday, Keith Poston and Jonathan Hoyle were in attendance and spoke to the proposed project. Alisha Friday provided some extensive background information on how the project evolved. She explained this project being one step toward addressing the lack of affordable housing in the area. Along with Mrs. Friday, both Keith Poston, the Director of Hesed House, and Jonathan Hoyle, the builder, answered questions from councilmembers. City Manager Ritchie Haynes suggested that questions be submitted so that a true business plan can be developed and presented to council for their review.

Councilmember Poinsette made a motion to table any action until the March 7th Council Meeting. Members voted 4-0 in favor of the motion.

NOTE: *As suggested by the city attorney, Approximately 40 individuals in attendance stood in support of the project. No one in stood to oppose.*

Councilmember Poinsette also made motion to open the floor to allow anyone wishing to speak to the request to do so. Members voted 4-0 in favor of the motion.

Six members of the public were given the opportunity to express their views on the subject. Bill Moir, Durant Schultz, David Bonnema, Paula Micol, Justin Collins, and Trent Mason.

ZTA-4-2023

Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Planning Director, Jean Derby, spoke to Council to request approval of text amendments identified in Chapter 153 of the Unified Development Ordinance. She explained the needed changes, informing that the amendment was reasonable because it makes the ordinance clearer and more easily understood. Proposed amendments are as follows:

Proposed Amendment Section:

§ 153.382 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

(B) *Final plat for minor subdivisions.*

(1) A registered land surveyor currently licensed and registered in the state by the State Board of Registration for Professional Engineers and Land Surveyors shall prepare the final plat. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

(2) At least eight complete copies **and a digital copy** of the final plat shall be submitted to the Administrator with one of these copies being on reproducible material. The remaining copies shall be black or blue line paper prints. The copies shall be considered complete if they contain all of the information as required by § 153.387 of these regulations. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

§ 153.385 FINAL SUBDIVISION PLAT SUBMISSION AND REVIEW.

(D) *Submission procedure.*

(1) At least eight complete copies **and a digital copy** of the final plat shall be submitted to the Administrator.

§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT.

(42) Restaurants, including fast-food restaurants;

(43) Retail: All uses permitted in § 153.113(A) of this chapter

~~(43)~~ (44) Roofing manufacturing, repair and installation facilities;

~~(44)~~ (45) Sign painting and manufacturing shops;

~~(45)~~ (46) Slaughterhouse/abattoir;

~~(46)~~ (47) Tin and sheet metal shops;

~~(47)~~ (48) Tire recapping shops;

~~(48)~~ (49) Towers and antennas 50 feet or less in height;

~~(49)~~ (50) Truck sales and repair;

~~(50)~~ (51) Trucking terminals;

~~(51)~~ (52) Union halls, fraternal and civic organization meeting facility;

~~(52)~~ (53) Vehicular and equipment outdoor storage (as a principal use) not for retail sales where:

(a) The items are owned and/or operated by the owner of the lot upon which they are located; and

(b) The items are in operating condition or intended to be operated.

~~(53)~~ (54) Warehouses, including mini-warehouses;

~~(54)~~ (55) Wholesaler, jobbers, bulk warehouses; and

~~(55)~~ (56) Accessory outlet store, provided that parking for the store shall be computed separately from the principal use and reserved for those purposes.

REGULAR MEETING – JANUARY 4, 2024

§ 153.030 INTERPRETATION OF TERMS AND WORDS.

Smoke Shop A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purpose of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation.

§ 153.115 G-B GENERAL BUSINESS DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right.

(1) *Retail uses.*

(hhh) Shoe store;

(iii) Shoe repair shop;

(jjj) **Smoke Shop with the following prescribed standards:**

- Shall not be located within 500 feet of any school, childcare facility, public park, or other building used for education or recreational programs for persons under the age of 18 years.
- Shall not be located within 1,000 feet of any other tobacco shop, alternative nicotine shop, or vapor shop.
- Separation is required to prevent overconcentration, which is defined as three or more of these uses existing within a 1,000-foot radius of the business. Required separation distance shall be measured as a radius from the front door of one business to the front door of the surrounding business located within or outside the City's corporate limits.
- Must meet all sign regulations in the UDO including but not limited to (a) Flashing signs or any signs with flashing or intermittent light or lights or reflective devices of changing degree of intensity or color **are prohibited** (b) A maximum of 10% of the wall area of any wall on the building.

Ms. Derby informed of Staff's recommendation to approve the text amendment and to approve the statement of consistency for approval of the text amendment.

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

Councilmember Demeny made a motion to approve as recommended by Planning Board. Members voted 4-0 in favor of the motion.

REGULAR MEETING – JANUARY 4, 2024

REGULAR AGENDA:

Presentation of the Annual Comprehensive Financial Report – Fiscal Year Ending June 30, 2023

Finance Director Pamela McBryde introduced Ms. Carol Avery with Lowdermilk Church & Co., to present the City's annual Comprehensive Financial Report for fiscal year ending June 30, 2023.

Ms. Avery reviewed the financial highlights for years ending June 30, 2023 and 2022 as follows:

CITY OF LINCOLNTON			
Financial Highlights			
Years Ended June 30, 2023 and 2022			
Page 1 of 3			
	2023 Summarized Budget	2023	2022
General Fund (Includes Powell Bill Funds)			
Total assets		\$ 14,035,048	\$ 9,668,593
Fund balance		\$ 11,490,337	\$ 6,985,895
Fund balance - Reserved for Streets - Powell Bill (included in total fund balance)		\$ 361,415	\$ 314,798
Total revenue	\$ 14,244,691	\$ 15,228,964	\$ 13,836,542
Total expenditures	\$ 16,438,963	\$ 15,001,482	\$ 13,712,897
Revenues over (under) expenditures before other financing sources (uses)		\$ 227,482	\$ 123,645
Other income (expense)	\$ 2,194,272	\$ 4,278,871	\$ 1,157,027
Increase (decrease) in fund balance		\$ 4,506,350	\$ 1,280,675
Increase (decrease) in inventory		\$ (1,910)	\$ (2,985)
Ad valorem taxes collected		\$ 5,801,889	\$ 5,638,718
Percent of taxes collected - current year levy		98.41%	99.14%
Investment income		\$ 338,920	\$ 35,267
Fund Balance Available - without Powell Bill			
Available Fund Balance		\$ 9,776,733	\$ 5,413,848
Expenditures and other financing sources and uses		13,657,280	13,440,911
Available Fund Balance % - without Powell Bill		71.59%	40.28%
Fund Balance Available			
Available Fund Balance		\$ 10,138,148	\$ 5,728,646
Expenditures and other financing sources and uses		13,927,004	13,712,897
Available Fund Balance %		72.79%	41.78%
State average for a municipality with an electric system and with a population grouping of 10,000 to 49,999		44.06%	44.06%

* Local Government Commission minimum recommended general fund balance should be at least 25% of general fund expenditures at the end of the fiscal year.

REGULAR MEETING – JANUARY 4, 2024

CITY OF LINCOLNTON

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Financial Highlights Years Ended June 30, 2023 and 2022

Water and Sewer Fund

	2023	2022
Total assets	\$ 33,679,884	\$ 34,492,772
Net position	\$ 29,154,366	\$ 28,907,508
Operating revenue	\$ 8,136,842	\$ 8,284,548
Operating expenses	\$ 7,721,494	\$ 6,959,879
Operating income (loss)	\$ 415,348	\$ 1,324,669
Nonoperating revenue (expenses)	\$ 220,732	\$ (21,709)
Transfers (to) from	\$ (389,222)	\$ (389,222)
Change in net position	\$ 246,858	\$ 913,738
Accounts receivable - customers	\$ 699,049	\$ 670,213
Investment income	\$ 248,825	\$ 23,154
Days sales in accounts receivable	33.09%	31.85%

Funds Balance Available

Available fund balance	\$ 6,866,455	\$ 6,487,543
Expenditures and other financing sources and uses	8,168,888	7,434,848
Available fund balance %	84.06%	87.26%

Electric Fund

Total assets	\$ 11,015,945	\$ 10,159,509
Net position	\$ 9,429,493	\$ 8,547,892
Operating revenue	\$ 7,701,699	\$ 7,497,646
Operating expenses	\$ 6,926,574	\$ 7,514,098
Operating income (loss)	\$ 775,125	\$ (16,452)
Nonoperating revenue	\$ 136,943	\$ 49,811
Transfers (to) from	\$ (30,465)	\$ (30,465)
Change in net position	\$ 881,602	\$ 2,894
Accounts receivable - customers	\$ 524,842	\$ 559,574
Investment income	\$ 156,780	\$ 49,983
Days sales in accounts receivable	28.89%	31.03%

Funds Balance Available

Available fund balance	\$ 4,908,027	\$ 4,175,179
Expenditures and other financing sources and uses	6,957,403	7,544,735
Available fund balance %	70.54%	55.34%

	2023	2022
<u>Component Unit</u>		
Lincolnton Tourism Development Authority		
Total assets	\$ 637,285	\$ 573,958
Net position	\$ 636,959	\$ 556,588
<u>Cash and Investments</u>		
Cash	\$ 25,159,669	\$ 20,697,485
Restricted Cash	1,124,073	2,095,945
Total cash	\$ 26,283,742	\$ 22,793,430
Total cash includes:		
Special Revenue Fund/Federal - ARPA	\$ -	\$ 1,000,000
Special Revenue Fund/State - SCIF	\$ 312,697	\$ 356,360

REGULAR MEETING – JANUARY 4, 2024

Ms. Avery thanked council for allowing the firm to do the audit another year. She informed that the audit has been submitted to and approved by the Local Government Commission and that the City has received an unqualified opinion on the audit. There were no questions regarding the audit from Council.

BA-01-24

Budget Amendment to General Fund, Boger City Fire District, Powell Bill Fund, Water & Sewer Fund, Electric Fund, and Special Revenue-SCIF Fund

Finance Director Pamela McBryde presented the a budget amendment for approval by council. Ms. McBryde informed the majority of the budget amendment being investment interest. She reported on each of the funds as follow:

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

General Expense	\$	111,263
Fire		6,325
Solid Waste		750
Planning/Zoning		2,235
Bus & Comm. Dev		1,757
Recreation		20,100
	\$	142,430

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

Solid Waste Rollout Fees	\$	750
Zoning Department Fees		2,235
Fire Department Fees		6,325
BC&D-Event Fees		1,757
Rec-Miscellaneous Revenue		20,000
Interest-General Fund		110,579
Insurance Settlement		183
July 4th Donations/Other		500
Veterans Banner Project		100
Federal Equitable Deposits		1
	\$	142,430

General Fund: Record Zoning & Planning fees, Fire Department fees, Solid Waste roll out sales, interest income generated for the second quarter, special event fees, insurance claim settlement for damaged sign @ Lithia Inn, Veterans banner donation, LTDA donation for Rail Trail signs 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	\$	9,062
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REGULAR MEETING – JANUARY 4, 2024

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

Investment Income	\$	2,166
Sales Tax/Grants		6,896
	\$	<u>9,062</u>

Boger City Fire District: Record interest income and Lincoln County Firemens Association Training Grant.

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

Powell Bill Construction/Other	\$	<u>62,409</u>
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Section 6: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Powell Bill Allocation		59,855
Investment Income	\$	2,554
	\$	<u>62,409</u>

Powell Bill Fund: Record interest income on powell bill funds and 2nd installment of FY2324.

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

Distribution and Collection	\$	2,400
Water and Sewer Intangibles		57,746
	\$	<u>60,146</u>

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

Investment Income	\$	57,746
Connection Charges		2,400
	\$	<u>60,146</u>

Water and Sewer Fund: Record interest income earned and sewer connection charges.

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

Electric Operations	\$	<u>54,147</u>
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Section 10: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	\$	43,905
Electric Sales		1,836
Other Operating Revenue		8,407
	\$	<u>54,147</u>

Electric Fund: Record interest income earned, insurance settlement for light pole damage at Betty Ross Park, electric meter fees, debt set-off and DSS payments.

REGULAR MEETING – JANUARY 4, 2024

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

SCIF Grants (Fund 50)	\$	3,352
	\$	3,352

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

SCIF Grants (Fund 50)	\$	3,352
	\$	3,352

Special Revenue Fund: Record interest income on current balance in SCIF grants.

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 \$ 331,546

Councilmember Poinsette made a motion to approve the budget amendment as presented. Members voted 4-0 in favor of the motion.

C-01-2024

Consideration of Contract between the City of Lincoln and Lowermilk Church & Co., L.L.P. for the audit ending 6/30/2024

Finance Director Pamela McBryde spoke to this request to approve a contract with Lowermilk Church & Company for auditing services for fiscal year ending June 30, 2024. She spoke to the fantastic job they do and the great working relationship that has been established. Ms. McBryde noted a 3% increase in the cost, equating to just a little over \$1,100.00.

Councilmember Demeny made a motion to approve the contract with Lowermilk, Church & Company. Members voted 4-0 in favor of the motion.

R-01-24

Resolution to Appoint Jean Derby as Review Officer

Planning Director Jean Derby spoke to this request. Ms. Derby briefly explained the purpose of the request and asked that a separate motion be made for each resolution presented. Resolutions were presented as follow:

WHEREAS, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, to comply with General Statute 47-30.2 the Lincolnton City Council enacts this Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLNTON CITY COUNCIL:

1. That Jean Derby is hereby appointed as a **REVIEW OFFICER** to review each map or plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincolnton City Council at its regular January 4, 2024 meeting.

Councilmember Christine Poinsette made a motion to appoint Jean Derby as a Review Officer. Members voted 4-0 in favor of the motion.

Ms. Jean Derby presented the second resolution, requesting to appoint Ashley Jones as Review Officer, as follows:

REGULAR MEETING – JANUARY 4, 2024

R-02-24

Resolution to Appoint Ashley Jones as Review Officer

WHEREAS, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, to comply with General Statute 47-30.2 the Lincolnton City Council enacts this Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLNTON CITY COUNCIL:

2. That Ashley Jones is hereby appointed as a **REVIEW OFFICER** to review each map or plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
3. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.
4. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
5. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincolnton City Council at its regular January 4, 2024 meeting.

Councilmember Kevin Demeny made a motion to appoint Ashley (Jones) as a Review Officer. Members voted 4-0 in favor of the motion.

R-03-24/C-02-24

**Resolution to Adopt an Interlocal Cooperation Agreement Between the
City of Lincolnton and Lincoln County**

City Manager Ritchie Haynes presented a resolution to the governing board requesting to adopt an interlocal cooperation agreement with Lincoln County. Mr. Haynes explained that this agreement gives Lincoln County the City's portion of the Airport in exchange for two parcels of the Oaklawn property, three parcels at what considered the Farmers' Market property, one parcel referred to as the old city bus garage (which is not the bus garage Bethel Church Road) and a parcel considered the old jail property (effective December 2026). Mr. Haynes explained that although there is mention of the old courthouse, nothing has been decided. The resolution as follows:

WHEREAS, the Lincolnton City Council has determined that it is in the interest of its citizens to enter into the Interlocal Cooperation Agreement between the City of Lincolnton and Lincoln County (the "Agreement"), which is attached hereto; and

WHEREAS, the terms of the Agreement require the City of Lincolnton to convey its interest in certain properties jointly owned with the County, described in the Agreement as the Airport Properties, to the County; and

WHEREAS, the terms of the Agreement require Lincoln County to convey its interest in certain properties located in the City of Lincolnton to the City of Lincolnton; and

WHEREAS, the Interlocal Cooperation Act, as codified in N.C.G.S. §160A-460 through §160A-466, allows and provides for units of local government to enter into agreements in order to execute any undertaking providing for the contractual exercise by one unit of any power, function, public enterprise, right , privilege, or immunity of local government; and

WHEREAS, the City and County, as local governments, are authorized to enter into the Agreement pursuant to N.C.G.S. §160A-274 to exchange property upon such terms and conditions as the Parties deems wise; and

WHEREAS, the City of Lincolnton has determined that it is in the best interest of the City to exchange the properties described in the Agreement.

REGULAR MEETING – JANUARY 4, 2024

NOW THEREFORE BE IT RESOLVED by the Lincolnnton City Council that the Interlocal Cooperation Agreement between the City of Lincolnnton and Lincoln County is hereby approved, and the City Manager or the Mayor is authorized to execute all documents necessary for the fulfillment of the Agreement and the transfer of all properties described therein.

Mr. Haynes explained why the exchange is needed and how it will benefit both the City and the County. Some questions were generated regarding plans to begin work on the Old Courthouse. Mr. Haynes spoke to the joint meeting to be held on January 24th, at which time details of that project will be discussed.

Councilmember Kevin Demeny made a motion for the adoption of the resolution and approval contract (agreement). Members voted 4-0 in favor of the motion.

OTHER BUSINESS

Quarterly Code Enforcement Report/Update

Planning Director Jean Derby reviewed the code enforcement report, which she announced, covered the entire year of 2023. Ms. Derby stated that 28 are currently open and ongoing and 73 have been successfully closed. She explained the information, pointing out that the list contained a variety of cases. Ms. Derby presented several before and after pictures of what she called “code enforcement success stories” and spoke to the great job the county is doing. Offering to answer questions, some discussion was generated among councilmembers. No action was needed.

Manager’s Report/ Update

City Manager Ritchie Haynes directed Council’s attention to his manager’s report as he addressed the items listed. Mr. Haynes started with dates to remember and moved on to monthly highlights/staff recognitions and appreciations. He mentioned the Apple Drop Event and attached the monthly homeless report. Mr. Haynes did address the Christmas Parade, Krampus and how it is being addressed.

REGULAR MEETING – JANUARY 4, 2024

NEWS MEDIA:

None in attendance

CLOSED SESSION

Councilmember Christine Poinsette made the motion to enter into Closed Session in accordance with NCGS 143-318.11(a)(1)(5)(6) to discuss personnel matters & employment contracts. Members voted 4-0 in favor of the motion

ADJOURNMENT:

After returning to Regular Session, Councilmember Jetton made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion.



Lincoln County Board of Commissioner's Agenda Item Cover Sheet

Board Meeting Date:	February 9, 2024	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:						
Description of Agenda Item:								
Refunds – Annual over \$100.00 for approval by City Council January 1, 2024 – January 14, 2024								
Background & Basis of Recommendations:								
Action/Recommendations:								
Approve								
Time Sensitivity (none or explain):								
Budget Impact (if applicable):								
List of Attachments (if any):			Refund Cover Sheet					

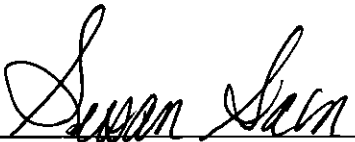
LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (JANUARY 1, 2024 - JANUARY 14, 2024)

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>
PARK MAIN STREET LLLC	2023	CITY	0269881	\$1,182.24	REFUND/BOARD OF E & R
PARK MAIN STREET LLLC	2023	CITY	0269881	\$1,247.60	REFUND/BOARD OF E & R
TMT PROPERTIES OF CLEVELAND CO. LLC	2023	CITY	0282878	\$1,675.51	REFUND/BOARD OF E & R
			TOTAL	\$4,105.35	

SUBMITTED BY:  DATE: 1/24/24

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

RECEIVED BY: _____ DATE: _____

PERIOD COVERED

December 16, 2023 through January 15, 2024

ALL RELEASES OVER \$100

NAME	YEAR	DISTRICT	A/C NUMBER	AMOUNT	REASON
Park Main Street LLC	2023	22	0269881	\$2,479.42	Board of E&R appeal
Smith, Angela	2024	22	0300674	\$120.41	Billed in Gaston County
TMT Properties of Cleveland	2023	22	0282878	\$1,709.70	Board of E&R appeal

Total \$4,309.53

SUBMITTED BY:


SUSAN SAIN
TAX ADMINISTRATOR

DATE:

1/18/24

APPROVED BY:

DATE: _____
RICHARD HAYNES
CITY MANAGER

MEMO TO: Mayor and City Council Members

FROM: Jean Derby

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order
Directing Compliance with Order from Code Enforcement Officer
Regarding the Nuisance Ordinance for **602 Lithia Inn Road**

DATE: February 1, 2024

Property Address

602 Lithia Inn Road

Property Owner

Peggy Kistler Warren

Code Enforcement Activity Summary

Code Violation Determined: Accumulation of rubbish, trash or junk located on the property

Notices of Violation/ Order of Code Enforcement Officer sent by regular mail.

- Notice of Violation: 10.12.2022
- Citation #1: 10.25.2022
- Citation #2: 12.21.2022
- Citation #3: 04.28.2023
- Citation #4: 05.15.2023
- Final Notice: 11.27.2023

Above notices of violation along with photo documentation and case notes of violations are attached.

Action Requested

Adoption of the attached resolution to authorize and direct the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the Code Enforcement Officer.

VIOLATION NOTICE AND ORDER

October 12, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Attention Property Owner:

The City of Lincolnton has received a complaint concerning your property located at 602 Lithia Inn (ParcelID#17411)

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

Please correct this violation within fifteen (15) days so that no further action will need to be taken. The Compliance deadline is October 27, 2022. Please contact me at 704-736-8729 between the hours of 8:30 a.m. and 5:00 p.m. Monday-Friday or taparker@lincolncounty.org; if you have any questions. Thank you in advance for your cooperation.



Trey Parker
Code Enforcement Officer

Code Enforcement

October 25, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: First citation for zoning violation

Property Owner:

On October 12, 2022, a Notice of Violation was sent notifying you of a violation of City of Lincolnton's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). As of October 25, 2022, this violation has not been corrected. Accompanying this letter is a citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation carries a civil penalty of \$100.00. You have 7 days to correct this violation or you will be subject to an additional civil penalty of \$250.00 if the violation is not corrected.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.



Trey Parker
Code Enforcement Officer

Code Enforcement

Citation Number 1
Case Number LCE22-00079
Date October 25, 2022
Location of Violation: 602 Lithia Inn Rd
Name: Peggy Kistler Warren
Address: 602 Lithia Inn Rd
City: Lincolnton **State:** NC **Zip:** 28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This violation involves solid was and junk material on the property.

Officer: Trey A. Parker

If you fail to pay the penalty within 20 days, the city may recover the penalty in a civil action in the nature of debt. Failure to correct the violation within seven (7) days shall result in the assessment of an additional civil penalty of \$250.00.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.



December 21, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Second citation for zoning violation

Property Owner:

On October 25, 2022, a first citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). An inspection on December 20, 2022 found that this violation has not been corrected. Accompanying this letter is a second citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation carries a civil penalty \$250.00 You have 7 days to correct this violation or you will be subject to an additional civil penalty of \$500.00 if the violation is not corrected.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.



Trey Parker
Code Enforcement Officer

Code Enforcement

Citation Number 1
Case Number LCE22-00079
Date December 21, 2022
Location of Violation: 602 Lithia Inn Rd
Name: Peggy Kistler Warren
Address: 602 Lithia Inn Rd
City: Lincolnton State: NC Zip: 28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This violation involves solid waste and junk material on the property.

Officer: Trey A. Parker

Under the provisions of the City of Lincolnton Unified Development Ordinance, a penalty of \$250.00 is hereby assessed. If this violation is not corrected, the penalty will increase to \$500.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.





Code Enforcement

April 28, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Third citation for Nuisance violation

Property Owner:

Accompanying this letter is a third citation for a violation of the City of Lincolnton zoning regulations on your property at 602 Lithia Inn (ParcelID#17411).

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation continues a civil penalty of \$500.00 To date, the penalties assessed against you amount to 850.00. This letter serves as notice that the City of Lincolnton will seek to recover these penalties in a civil action through Small Claims Court.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.

Trey Parker
Code Enforcement Officer

Code Enforcement

Citation Number 3
Case Number LCE22-00079
Date April 28, 2023
Location of Violation: 602 Lithia Inn Rd
Name: Peggy Kistler Warren
Address: 602 Lithia Inn Rd
City: Lincolnton **State:** NC **Zip:** 28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This Violation involves trash & rubbish beside the home.

Officer: Trey A. Parker

This citation continues a penalty of \$500.00. To date, the penalties assessed in this case amount to 850.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.



May 15, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Fourth citation for nuisance violation

Property Owner:

On April 28, 2023, a third citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). An inspection on May 11, 2023, found that this violation has not been corrected. Accompanying this letter is a fourth citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance. This citation continues a civil penalty of \$500.0 per day the violation exists. To date, the penalties assessed against you amount to **\$850.00**. This letter serves as notice that the City of Lincolnton will seek to recover these penalties in a civil action through Small Claims Court.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.



Trey Parker
Code Enforcement Officer

Code Enforcement

Citation Number 4
Case Number LCE22-00079
Date May 15, 2023
Location of Violation: 602 Lithia Inn Rd
Name: Peggy Kistler Warren
Address: 602 Lithia Inn Rd
City: Lincolnton **State:** NC **Zip:** 28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This Violation involves trash & rubbish beside the home.

Officer: Trey A. Parker

This citation continues a penalty of \$500.00 per day. To date, the penalties assessed in this case amount to \$850.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.





Code Enforcement

November 27, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Attention Property Owner:

The City of Lincolnton has received a complaint concerning your property located at 602 Lithia Inn (Parcel ID#17411).

On May 15, 2023, a 4th Citation was sent to the property owner for an accumulation of trash & debris. The property came into compliance on July 6, 2023. A total amount of \$26,850.00 in civil penalties was accumulated in the 52 days before the property came into compliance.

On November 9, 2023, the case was reopened due to a large amount of trash and debris on the property.

At this time, you have two weeks to bring the property back into compliance. At the end of this period, fines for \$500.00 per day will be assessed in addition to the current amount of \$26,850.00.

Please correct this violation within fourteen (14) days so that no further action will need to be taken. The Compliance deadline is December 11, 2023. Please contact me at 704-736-8729 between the hours of 8:30 a.m. and 5:00 p.m. Monday-Friday or taparker@lincolncounty.org; if you have any questions. Thank you in advance for your cooperation.

Trey Parker
Code Enforcement Officer



01-22-2024









DAW

GENERAL NOTE

Re-Opened Case

4/26/2023 12:45:10 PM

SunGard Systems

GENERAL NOTE

Re-Opened Case

11/8/2023 3:41:28 PM

INSPECTIONS

TAP

INITIAL
INSPECTION

I observed solid waste and junk on the property. Will send Nov.

10/11/2022 8:42:58 AM

TAP

FOLLOW-UP
INSPECTION

I did not observe any change to the property.

10/25/2022 8:32:34 AM

TAP

FOLLOW-UP
INSPECTION

Some material has been removed.

11/8/2022 11:58:20 AM

TAP

FOLLOW-UP
INSPECTION

Most of the material has been removed.

11/23/2022 8:23:43 AM

TAP

FOLLOW-UP
INSPECTION

I did not observe any change.

12/7/2022 8:23:25 AM

TAP

FOLLOW-UP
INSPECTION

I did not observe any change to the property.

12/20/2022 12:36:16 PM

TAP

FOLLOW-UP
INSPECTION

Solid waste waste has been removed. Tires remain.

1/4/2023 2:33:59 PM

TAP

FOLLOW-UP
INSPECTION

I did not observe any change to the property.

1/18/2023 9:07:27 AM

TAP

FOLLOW-UP INSPECTION

Solid waste has been removed and junk material has been consolidated. case closed.

2/1/2023 9:12:39 AM

TAP

FOLLOW-UP INSPECTION

Property is back out of compliance. Will send next citation.

4/27/2023 9:12:40 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any change to the property.

5/11/2023 8:39:47 AM

TAP

FOLLOW-UP INSPECTION

Some material has been removed.

5/25/2023 9:33:36 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any change to the property.

6/8/2023 8:46:20 AM

TAP

FOLLOW-UP INSPECTION

No change to the property.

6/22/2023 8:56:15 AM

TAP

FOLLOW-UP INSPECTION

All solid waste has been removed.

7/6/2023 9:09:50 AM

TAP

FOLLOW-UP INSPECTION

Property is back out of
compliance.

11/9/2023 8:41:02 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any change
to the property.

11/20/2023 8:55:16 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any
change to the property.

12/4/2023 8:26:07 AM

Trey Parker

FOLLOW-UP INSPECTION

I did not observe any
change to the property

12/20/2023 1:37:37 PM

Trey Parker

FOLLOW-UP INSPECTION

I did not observe any
change to the property.

1/2/2024 11:07:25 AM

Trey Parker

FOLLOW-UP INSPECTION

I did not observe any
change to the
property.

1/16/2024 8:43:30
AM

**RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT
602 LITHIA INN ROAD IN THE CITY OF LINCOLNTON
TO COMPLY WITH THE ORDER
OF THE CODE ENFORCEMENT OFFICER**

WHEREAS, the City Council of the City of Lincolnton finds that the situation herein described is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health in violation of the Section 93.047 of the City Code, Declaration of Nuisance, and thereby constitutes a safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owner of this property has failed to comply with a lawful Order of the Code Enforcement Official to remedy the same within the time therein prescribed; and

WHEREAS, G. S. 160A-175 and Sections 93.065 through 93.999 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-175 to petition the Superior Court of Lincoln County for an order requiring the owner, Peggy Kistler Warren, of the property located at 602 Lithia Inn Road in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Nuisance Ordinance contained in Chapter 93 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

ED HATLEY, MAYOR

ATTEST:

DAPHNE INGRAM, CITY CLERK



Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

Public Hearing Staff Analysis
ZTA-1-2024

Amendment to Section 153.031, 153.117.1 and the creation of
a new chapter 153.131 of the UDO

ZONING TEXT AMENDMENT REQUEST

Applicant is requesting a permitted use be added to Section 153.117 General Manufacturing and Commercial (GMC) to allow for a resort/vacation lot intended for campers and RVs.

REASON FOR THE AMENDMENT

Currently our ordinance does not address RV Parks. After reviewing the applicants request, staff determined it would be more appropriate to make this a permitted use in the General Industrial (GI) zoning district. This amendment would define RV Parks, Recreation Vehicles, give them a permitted use in a Conditional District and some prescribed standards. Since GI is a conditional district any applications for an RV Park would require a Conditional Zoning with a site plan to be approved through City Council. The following are staff's recommendations for the text amendment.

PROPOSED AMENDMENT TO SECTION

153.031 Definitions

PROPOSED DEFINITION IN SECTION 153.031

RECREATIONAL VEHICLE (RV) PARK. A lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicle of the general public as temporary living quarters for recreation or vacation purposes together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use.

RECREATIONAL VEHICLE. – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term **shall not** include a manufactured home as defined in G.S. 143-143.9(6). The basic entities are defined as follows: a. Camping trailer. – A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use. b. Fifth-wheel trailer. – A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle. c. Motor home. – As defined in G.S. 20-4.01(27)k. d. Travel trailer. – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle. e. Truck camper. – A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

PROPOSED AMENDMENT TO SECTION

153.117.1 GI GENERAL INDUSTRIAL DISTRICT.

PROPOSED CHANGES IN SECTION 153.117.1

- (A) Permitted uses. The following uses are permitted by right.
 - (27) RV Park meeting the standards outlined in Chapter 153.131

PROPOSED SECTION:

153.131 RV Park Standards

(A) Purpose and intent. This section shall set forth the minimum requirements for the application, development, operation, and maintenance of permanent RV Parks in the City of Lincoln Planning and Zoning Jurisdiction. RV Parks are subject to the conditional zoning process. However, the Zoning Board of Adjustment and the Zoning Administrator will use discretion in these cases to determine which standards and conditions are applicable.

(B) Permitted locations. Recreational vehicle (RV) parks shall be allowed as conditional zoning in the General Industrial (GI) zoning classification.

(C) Review procedures. Application for site plan approval for the development of RV parks, if applicable, shall be made with the City Council through the Conditional Zoning process. The information listed and required under division (C)(1) of this section shall be included with any application. The applicant is bound by the design and specifications shown on the final approved drawings.

(1) Required site plan information.

- (a) Five copies and one digital version of drawings to a readable scale by a licensed surveyor/engineer, showing the following:
1. The area and dimensions of the subject tract or parcel;
 2. Topography;
 3. Number, location, design and layout of all RV pads;
 4. Layout of interior roads and parking areas;
 5. Location and size of all structures to be included in the RV park;
 6. Type and placement of screening;
 7. Buffer zones;
 8. Landscaping;
 9. Placement of refuse containers and waste disposal sites; and
 10. Plan for park lighting.

- (b) Three copies and a digital version of the detailed specifications for the following:
 - 1. Water supply and system;
 - 2. Sewage disposal system;
 - 3. Drainage plan; and
 - 4. Construction plans for interior roads, parking areas and buildings.
- (c) Existing vegetation and vegetation proposed to be retained.
- (d) Area map showing the subject property in relation to adjacent parcels of land.
- (e) Plat or title certificate obtained or updated within two weeks prior to making application.
- (f) Lease agreement, if land is to be leased for RV park development.
- (g) List of the property owners of record, within 300 feet of the exterior boundaries of the subject property.
- (h) Traffic study by a certified engineer (may be required at the option of the town).
- (i) No structures or RVs located within the AEFW or AE areas of the floodway and floodplain.
- (j) Other information as determined necessary by the Zoning Administrator.

(2) Application process. RV park must go through the conditional zoning process. In addition to those requirements specified for the processing of conditional zoning applications, the following criteria shall be applied to the review of RV parks:

(a) General operation and maintenance requirements:

1. The proposed development will not result in the obstruction of or interference with existing traffic patterns in the area.
2. The proposed development will not generate congested or undue RV traffic through residential, urban residential, or town center zones.
3. The proposed development shall cause minimum disturbance to the natural environment.
4. Development must retain site in as natural a state as is feasible.
5. An attendant must be on duty or on-call during operation, unless described and agreed to during the conditional zoning process. Signage indicating contact information for the attendant must be displayed.
6. Registration records must be kept on the occupancy of all RV parks. As a minimum, the registration form must have space for name, date, and permanent mailing address.
7. Upon request, park records shall be made available to the town and/or county government.
8. An inspection and occupancy permit shall be required prior to the opening of any RV park.
9. No camper, including gear and vehicles, shall stay a length of time which exceeds 90 days sequentially. Additionally, No camper, including gear and vehicles, shall stay a length of time which exceeds 180 days per calendar year.
10. Park areas shall be kept free of litter and debris at all times.

11. Service buildings shall be maintained in a sanitary condition at all times.
12. Animals traveling with campers shall be kept on a leash or tethered within their campsite at all times.
13. The developer, to whom approval was initially granted, or approved subsequent developer, or owner, shall be accountable to the town for adherence to these regulations.
14. Operator shall provide for continued maintenance of landscaping and buildings.

(D) *Park size & density restrictions.*

- (1) Minimum parcel size: A minimum parcel of twenty acres shall be required for the development of RV parks.
- (2) RV Park design standards:
 - (a) In the location and spacing of campsites, there shall be a minimum of 12 feet between RVs and/or structures.
 - (b) All campsites shall be well drained; stormwater shall be conveyed to approved detention facilities and/or areas.
 - (c) Restroom facilities shall be located within 400 feet of any campsite. Handicapped access to restroom facilities is required.

(E) *Traffic circulation and street design.*

- (1) Interior roads width to be determined by Appendix D of the Fire Code.
- (2) Interior roads connecting to public street rights-of-way shall be paved in accordance with town standards within 50 feet of such rights-of-way.
- (3) For traffic safety, acceleration, and deceleration lanes may be required at points of ingress and egress.

(F) *Parking.*

- (1) A minimum of one auto parking space shall be provided inside the area of each campsite.
- (2) One additional auto parking space shall be provided for each five campsites, to be located elsewhere in the park.
- (3) Additional parking spaces shall not be provided on interior roads.

(G) Accessory uses.

- (1) Accessory uses are allowed whose primary usage and enjoyment are for park tenants.
- (2) Accessory uses shall be placed no closer than 150 feet from any exterior park boundary.
- (3) A service building and park office shall be provided in all RV parks and campgrounds.

(H) Restroom requirements. A sanitary source of drinking water must be at least 200 feet, but no more than 400 feet, from toilet facilities. A bathhouse may not be more than 1,500 feet from any tent or vehicle space. This does not apply where public water and sewer connections are provided to vehicles having self-contained kitchens and bathroom facilities.

(I) Open space. Open space of 12% is required. Buffers are not to be included as open space.

(J) Buffers, screening and setbacks.

(1) *Buffers, screening, and setbacks.* Parks shall require a 50-foot buffer along any property boundary that is adjacent to any public street right-of-way and a 30-foot buffer along all other property boundaries.

(2) *Screening and setbacks.*

(a) Screening shall be required along any property boundary adjacent to a public street right-of-way. Such screening shall be set back a minimum of 20 feet from such rights-of-way.

(b) Screening shall be set back 20 feet from any street right-of-way.

(K) Water supply and sewage disposal.

(1) Any RV park having town sewer or water lines available shall be required to hook up to town water and sewer systems.

(2) In RV parks not having sewer or water lines available, any alternative systems shall require approval of the Public Works Director in their jurisdiction and shall be sufficient in meeting requirements of the state and county Departments of Environmental and Health Services.

(L) *Refuse disposal.*

- (1) No campsite shall be located more than 200 feet from any refuse container.
- (2) Such containers shall be made of heavy and durable material with lids.
- (3) Such containers shall have a holding capacity of at least 30 gallons.
- (4) At least one two-yard standard dumpster with a lid shall be required to be located near a facility entrance for convenient pick-up. More than one such dumpster may be required, depending on the number of sites to be served and the number of weekly pick-ups.

(M) *Miscellaneous provisions.*

- (1) Any expansion of an existing RV Park must meet the requirements of this section.
- (2) RV sites are to be well marked and numbered.
- (3) For RV park, sanitary waste station shall be provided, unless all sites are connected to an approved sewer system.

STATEMENTS

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

Case No. ZTA-1-2024

Applicant: David Black

Request: Amendment to definition

Proposed Consistency and Reasonableness Statement:

The text amendment is consistent with the goal to promote tourism. It is reasonable in that it would fill a need for an alternative for short term overnight stays.

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

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

Case No. ZTA-1-2024

Applicant: David Black

Request: Amendment to definition

Proposed Consistency and Reasonableness Statement:

The text amendment is consistent with the Land Use Plan, however an RV Park is not a desired permitted use.

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

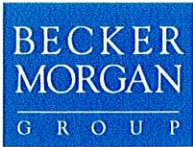
STAFF/PLANNING BOARD RECOMMENDATIONS

Planning Board Vote:

4-2 in favor of recommending approval

Staff recommend the following action:

1. Recommend approval of the text amendment
2. Approval of the statement of consistency for approval of the amendment request
3. Allowing a one time extension of the 90 day stay requirement per camper.



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

1/18/2024

David Ramsey
Business Services Director - City of Lincolnton
114 W Sycamore Street
Lincolnton NC 28092

Re: **Professional Services**
New City of Lincolnton Public Services Center
Lincolnton NC

Dear David:

Becker Morgan Group, Inc. is pleased you have requested a professional services proposal for the operations building project in Lincolnton NC. It has been a pleasure collaborating with you & your team thus far on this project. We appreciate your confidence in our firm.

Enclosed please find one original agreement documenting our initial services and estimated compensation. If acceptable, please sign and return the original agreement to our office. We will then proceed with our services.

Thank you for the opportunity to be of service. Please do not hesitate to call with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.

Douglas C. Burns, AIA
Principal | CLT Office Director

/xxx

Enclosure: Proposal (1/18/2024)

Commercial-ppl.docx

BECKER MORGAN GROUP, INC.

615 SOUTH COLLEGE STREET, SUITE 8-158
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

www.beckermorgan.com

1/18/2024

Proposal / Agreement

Professional Services

New City of Lincolnton Public Services Center

Lincolnton, North Carolina

Project Scope

It is our understanding that the overall project is based on renovation of the existing 35,000 sf +/- facility & overall site located at 500 Sigmond Road. Also within the scope is the design potential for a new 6,000 – 7,000 sf office building to be located on the existing site in front of the existing facility.

The existing facility along with the new proposed building will include but not limited to the following departments: public works, water resources, electrical services & solid waste departments. The intent is to provide each department with their own working & break areas, with shared spaces for group toilets and overall storage & staging within the main part of the existing warehouse. In either building location, our team is to plan & design a training space to accommodate 100 to 120 people. Finally, our team will work with the departments mentioned above to plan & design for misc. storage buildings and equipment storage locations on your site.

Overall site design includes numerous pole buildings for vehicle & material storage, wash pits, & miscellaneous support building needs.

Services Scope

For this project, we are recommending a two phased project approach: **Part A & Part B** as outlined below.

Part A: Advanced Planning

The scope of Part A utilizes the exercise of advanced planning to determine overall order of magnitude, design needs & wants, and project scope. The BMG team will assist the City of Lincolnton staff/team with the following but not limited objectives:

- a. **Benchmarking:** Site visits to “new” facilities regionally as well as coastal or other locations – up to 4 site visits
 - i. Determine “Lessons Learned.”
 - ii. Understand Pros and Cons, Issues and Opportunities.
 - iii. Costs.
 - iv. Schedule.
- b. **Pre- Space Needs Programing:** Departmental Visits, tours, meetings.
 - i. The result is the development of a clear understanding of the Departmental Operations, Needs, and “Preliminary Space Needs program.”
- c. **Planning/Programing workshops utilizing the participatory process:**

- i. 3-4 meetings with the department leaders and city stakeholders to define & confirm space needs. Also discuss any current department issues, concerns, opportunities related to the new facility.
 - ii. Gaming workshops - stakeholders plan and design the facilities (existing warehouse & new office building) & overall existing site to identify where confirmed programmed space shall go based on needs & operational flow.
 - iii. BMG team to take gaming workshop ideas & formulate concise concept plans for stakeholder review.
 - iv. Civil site impact studies
- d. **Deliverables:**
 - i. Overall site & building master plan – short term & long-term goals. Identify work to be included in Part B scope of work.
 - ii. Final comprehensive space program
 - iii. Concept alternatives (Site and Buildings)
 - iv. Schematic concept floor plan layouts
 - v. Design narratives from engineering consultants
 - vi. Interior and exterior concept rendering images.
 - vii. Cost estimates: overall master plan and/or phased work to determine work scope for Part B
 - viii. Presentations (if applicable): to City/Department stakeholders, City Council & local public presentations if needed.
- e. **Determine final construction delivery methods: Summary**
 - i. **Design-Bid-Build vs CM at Risk** as two methods of Construction Delivery.
 - 1. Pros and Cons-Benefits
 - 2. Cost Differences

For the scope outlined above the following disciplines are included as part of Part A:
Advanced Planning

Architecture
Engineering (Civil, Structural, Mechanical, Electrical & Plumbing)
Cost Estimating

Compensation for Part A: Advanced planning shall be: \$150,000

Part B: Full Design Services

Pending final confirmation from Part A – for both scope and anticipated construction budget, the BMG team will submit a separate contract for full design services rendered in phases - Design (Schematic and Design Development), Construction Documents, Bidding, and Construction Phase services. Overall fee range indicated below will reflect credit for Part A advanced planning services.

The scope of design services varies with commercial/municipal type projects. Comprehensive architectural services for this type of project will normally range between 8%-12% of the total project cost, and include the following design disciplines & based on the following tasks:

Architecture

Engineering (Civil, Structural, Mechanical, Electrical)

Landscape Architecture (as part of civil design)

Interior Design (Finishes only)

Task 001 – Schematic Design / Design Development	\$ tbd
Task 002 – Construction Documents	\$ tbd
Task 003 – Bidding	\$ tbd
Task 004 – Construction Administration	\$ tbd

Estimated Total \$ tbd

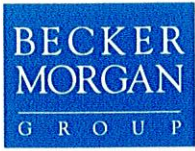
***Estimated total for Part B Full design services shall be based on confirmed anticipated scope & construction budget from Part A: advanced planning, fee range as indicated above.**

Exclusions *(the following services and expenses are excluded from this agreement)*

*If authorized, Becker Morgan Group has experienced staff to provide these services.

Services

- Design*: Landscape: provided by civil to meet local ordinance only.; Interior Design and Furnishings: Furniture, Fixtures, and Equipment (FF&E)
- Engineering: Geotechnical (soil borings and recommendations); Fire Protection; Life Safety; Technology and Telecommunications
- Surveying: subdivision plats; recordation; ALTA/ACSM surveys; construction stake-out; recordation drawings; as-built surveys
- Studies: traffic; community impact statements; feasibility*
- Regulatory matters: variances; special exceptions; amendments; hearings; review meetings
- Environmental: Phase 1 and Phase 2 studies; tree conservation compliance; wetlands delineation and permitting; CAMA compliance
- Off-site improvements: design of any off-site improvements or utility extensions to the site
- Consultants: Acoustical; Cost Estimation; Food Service; Building Envelope; Roofing; Scheduling
- Graphics*: presentation/marketing materials (2D / 3D); models; project signage; computer animation.
- Coordination*: Owner/Tenant provided materials or services.



ARCHITECTURE
ENGINEERING

Expenses

- Fees: filing; review; permits; agency approvals; bonds
- Reproduction: printing of drawings and specifications
- Travel: mileage, tolls, parking

Agreement Terms

Reimbursable items such as printing, mileage, shipping, etc. are not included in our fee, and will be billed separately. The attached *Terms and Conditions of Agreement* documents contract terms and is hereby incorporated into this agreement. An initial payment of \$___ will be necessary to bind this agreement. If this proposal is acceptable, please sign and return the original to our office.

Thank you for the opportunity to be of service.

BECKER MORGAN GROUP, INC.

Ernest W. Olds, AIA
Principal | Vice President

Chris M. Coleman
Associate | Project Manager

XXX/xxx

City of Lincolnton
David Ramsey - Business Services Director

Accepted: _____

Title: _____

Date: _____

Attachment: *Terms and Conditions of Agreement* (01.01.xx) NC

BECKER MORGAN GROUP, INC.

615 SOUTH COLLEGE STREET, SUITE 8-158
CHARLOTTE, NORTH CAROLINA 28202
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Construction Delivery

Design-Bid-Build (a.k.a. hard bid)

Over the past 4 decades we have successfully completed (translating into on time, on or under budget, with minimal change orders and or omissions) on hundreds of projects under the “hard bid” delivery method including new construction, complicated renovation and additions for K-12 projects and a multitude of adaptive re-use projects. When providing services for a ‘complicated’ renovation/renovation and additions, our experience has shown us that “low bids”, through the “hard bid’ delivery method will result in multiple change orders due to “unforeseen conditions and general contractors and their subs “looking for conditions” to challenge the contract documents with the intent to “make up” for having to submit through a low bid process. Thus, the need to maintain higher contingencies. To avoid and or minimize this possibility, the AE team and owner must undertake initiatives to do mild forms of destructive testing, IR Testing, and other methods to locate and determine possible hidden conditions that can be priced as base bid or alternates.

It has been our experience that the design-bid-build (DBB) delivery has several built-in negatives:

1. It is the perception that DBB provides the lowest cost. The reality is that it typically provides the lowest initial PRICE but a higher final COST.
2. DBB requires design to be completed with the HOPE (Intent) that the project will be within budget. You don’t know actual costs until the bids are opened. Over budget projects can require redesign costs, extensive VE, and/or delayed construction start.
3. There is no “real time” market cost evaluations during the design process which does not allow the Owner to make value decisions (where they want to spend money) during the design process.

Construction Manager at Risk (CMAR)

CMAR offers the Owner and Design the opportunity to work directly with the CM from the project onset. What we have found is on complicated renovations as well as new construction, although the fees may initially be higher for the CM (Contractor), the number of Change Orders significantly diminishes because the GC is working in tandem with the AE Team and Owner through all the potential conditions that can be identified as to design detail and methods and means (the responsibility of how to build it). Under CMAR, the GMP (Guaranteed Maximum Price) is provided by the GC, with the intent of no change orders unless owner mandated give the GC has signed off on the design and detailing of the project given, they were an integral part of the process. CMAR is qualification based not low bid based. As the project goes through the design process the “contingencies’ are reduced.

All the above are addressed through CMAR. Other benefits include:

1. The Owner, Design Team, and CMAR work together to make cost related construction decisions. Typically, when the drawings are 50% complete, 75% of the construction budget is spent (decided).
2. Using the CMAR process, the team has the opportunity to work together to pre-qualify and select trade partners that best meet the project requirements.
3. If the CMAR’s preconstruction process is successful, the only change orders should be Owner driven or Unforeseen Conditions.
4. Provides a guaranteed maximum price.

5. Reduces the probability of change orders thereby reducing the amount of contingency funds being spent therefore can be allocated for other project needs.
6. Enables the contractor given supply chain, price increases to equipment and labor, the opportunity to get a place on the supply chain immediately or after a specific design phase when a component has been sized and specified.
7. Provides the ability to develop “early” packages such as site work, demolition (if required), and as stated, supply chain “reservations for long lead items (electrical panels, HVAC equipment).

Design Build (DB)

Having completed multiple design build K-12 projects as well a medical office building, office building and industrial projects, the most important benefit is there literally will not be change orders to the project given the GMP the Contractor is providing. The drawback can be the architect works “for the General Contractor” and unless the district carefully delineates the design process requiring direct contact and approval of the design, it can lead to “grey areas” and potential issues in project delivery. Under DB, the two schools designed under that scenario, yield no change orders and only one substitution by the GC that the district ultimately accepted.

Public Private Partnerships (P3)

Under P3, the owner is engaging a “private developer” to deliver the project through the developer’s design and construction team. In NC there have been mixed reviews given the owner is removed from direct contact with the AE Team and the Contractor given the direct Owner relationship is with the Developer. We have worked under that Delivery Method for Student Housing, Medical office Buildings, office buildings and Industrial projects but we have not experienced that method for K-12 Project.

Integrated Project Delivery. (IPD)

Integrated project delivery (IPD) is a collaborative alliance of people, systems, business structures and practices into a process that target harnessing the talents and insights of all participants to optimize project results, increase value to the owner, reduce waste, and maximize efficiency through all phases of design, fabrication, and construction. In many ways it is in-fact CMAR and Design Build based on a series of integrated workshops with all project participants, with through experience with military projects, is precisely what the designated AE Team, Contractor and his subs and Owners must ensure a successful project.

**AN ORDINANCE OF THE LINCOLNTON CITY COUNCIL AMENDING THE
LINCOLNTON CODE OF ORDINANCES PERMITTING THE CREATION OF SOCIAL
DISTRICTS WITH THE CITY OF LINCOLNTON**

WHEREAS, Session Law 2021-150 for ABC Social Districts was ratified on September 8 2021; and

WHEREAS, the law allows governing bodies of local government units to establish Social Districts and common areas where Permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the City Council desires to establish and manage a Social District in accordance with G.S. 160A-205.4 and Chapter 18B; and

WHEREAS, the City Council finds that the designation of Social Districts pursuant to the Act is in the best interest of the citizens and businesses of the City of Lincolnton; and

WHEREAS, the City Council designates the Social District shown in the Ordinance as permitted by G.S.160A-205.4 and Chapter 18B.

NOW. THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton, North Carolina, that Chapter 10, Section 10.05 Definitions and Chapter 131, Section 131.01 Drinking in Public, is hereby amended as follows:

10.05 – Definitions - Add

(B) Social District means an outdoor area in which a person may consume alcoholic beverages sold by an ABC permittee within the boundaries of the Social District.

131.01 – Drinking in Public – Add

Exception; Social District. The purpose of this ordinance (section) shall be to establish Social Districts within the City of Lincolnton to promote the health, safety and welfare of persons consuming alcoholic beverages pursuant to the provisions of North Carolina General Statutes 160A-205.4 seq. which allows for the creation of one or more Social Districts by the City.

1. General: The City hereby creates and designates the following Social District:

(a) Downtown Lincolnton Social District which is designed as the area within the City as follows:

(attached as Exhibit A)

2. Management: The Social District shall be created, designed and managed in accordance with the requirements contained in North Carolina General Statutes Section 160A-205.4 and Chapter 18B.
3. Permittee: Any business establishment located within or contiguous to a Social District which holds a valid ABC permit designed to engage as a Social District participant must apply for and obtain a Social District permit from the Planning Department of the City at no cost to the applicant. The establishment shall be responsible to operate its business in accordance with all City and State ordinances, laws, rules, regulations, and the operations plan governing Social District activities.
4. Violation: Any person violating this section, and any person who aids, abets, encourages, assist, or contributes to such consumption, and any person who, having control of the premises where such consumption occurs in violation of this section, willfully permits or allows such consumption to occur, shall be guilty of a misdemeanor.
5. Severability: If any portion of this Section is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions thereof.
6. Repealed: All ordinances or provisions of the Lincolnton Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

Adopted this 7th day of March, 2024.

Ed Hatley, Mayor

Daphne Ingram, City Clerk

City of Lincolnton
P. O. Box 617
800 South Madison Street
Lincolnton, North Carolina
28093-0617



Parks and Recreation
Phone (704) 735-2671
FAX (704) 736-1662
www.lincolntonnc.org

TO: Ritchie Haynes, City Manager

FROM: Nathan Eurey, Public Services Director

SUBJECT: Consideration for the Approval of a Logo Design for the Marcia Cloninger Rail Trail in Accordance with the City's Public Art Ordinance

Date: January 25, 2024

As you are aware, the Rail Trail Advisory Committee has been at work to develop a logo design to brand the Marcia H. Cloninger Rail Trail. This design would be placed on any rail trail signage, banners, and informational kiosk-style signs. The design would also position the City for any future marketing materials and merchandising opportunities that may present itself.

The Rail Trail Advisory Committee held several meetings to review and provide feedback to the graphic designer with Brand V. After several meetings and design revisions, the committee selected a final design which is attached with this memo.

On January 11, 2024, the design was presented to the City's Steering Committee in accordance to the general provisions of the Public Art Ordinances. The Steering Committee had the opportunity to view, make comments, and ask questions about the final logo design. After discussion, a committee vote was held to approve the design, and the logo design gained the approval of the committee.

In following proper procedure, I would like to seek City Council's approval of the logo design which would then allow us to begin production on rail trail signage, rail trail banners, and informational kiosk signs. Please let me know if you have any questions concerning this request.

ATTACHMENTS: (2) LOGO DESIGN AND RENDERINGS

MARCIA H. CLONINGER
RAIL TRAIL WAYFINDING
LINCOLN TON | NC



BRAND V
DESIGN, SIGNS, WRAPS, APPAREL

980.333.1047 info@brandvdesign.com



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1001 W. Main Street, Suite 101, Charlotte, NC 28202
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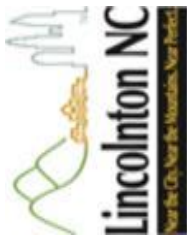
BRANDV
DESIGN. SIGNS. WRAPS. APPAREL.

980.333.1047 info@brandvdesign.com



DESIGN CENTER at The Railway Charlotte
125 W. Morehead St. Suite 100 Charlotte, NC 28208

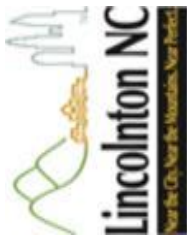
THE FACTORY in Lincoln
315 S. Government St. | Lincoln, NC 28022



Executive Summary

December 2023 Year-to-Date (Unaudited)

Department		2023-2024	2023-2024 YTD	Budget	Variance %	2022-2023	2022-2023 YTD	Variance Favorable /
Fund: 10 - General Fund		Budget	Activity	Remaining		Budget	Activity	(Unfavorable)
Revenue								
		\$15,146,598.44	\$9,177,789.80	\$5,968,808.64	61%	\$16,109,058.62	\$8,021,101.08	\$1,156,688.72
		\$15,146,598.44	\$9,177,789.80	\$5,968,808.64	61%	\$16,109,058.62	\$8,021,101.08	\$1,156,688.72
Total Revenue:								
Expense								
4110-City Manager/Clerk		\$244,176.59	\$50,850.61	\$193,325.98		\$172,430.00	\$17,866.98	(\$32,983.63)
4120-Human Resources		\$324,671.41	\$124,124.35	\$200,547.06		\$322,000.00	\$122,851.16	(\$1,273.19)
4130-Finance		\$122,555.98	(\$267,283.22)	\$389,839.20		\$28,430.00	(\$237,460.09)	\$29,823.13
4280-General Expense		\$2,331,988.41	\$1,134,843.52	\$1,197,144.89		\$4,064,934.40	\$1,035,577.41	(\$99,266.11)
4285-General Debt Service		\$202,950.00	\$31,224.45	\$171,725.55		\$212,065.50	\$16,966.96	(\$14,257.49)
4310-Police		\$4,537,716.00	\$1,936,922.70	\$2,600,793.30		\$3,872,289.53	\$1,959,376.39	\$22,453.69
4340-Fire		\$2,688,815.00	\$1,442,998.70	\$1,245,816.30		\$2,748,563.86	\$1,368,078.71	(\$74,919.99)
4510-Public Works Administration		\$35,155.02	(\$92,506.66)	\$127,661.68		\$44,590.00	(\$71,995.39)	\$20,511.27
4520-Street and Maintenance		\$1,328,021.00	\$306,040.69	\$1,021,980.31		\$893,750.00	\$257,410.83	(\$48,629.86)
4530-Equipment Services		\$279,879.23	\$120,046.41	\$159,832.82		\$284,039.38	\$76,056.77	(\$43,989.64)
4710-Solid Waste		\$640,972.77	\$296,073.08	\$344,899.69		\$909,436.98	\$619,203.80	\$323,130.72
4740-IT Services		\$212,755.00	\$196,400.61	\$16,354.39		\$890,869.86	\$373,841.51	\$177,440.90
4910-Planning and Zoning		\$459,568.00	\$151,443.35	\$308,124.65		\$331,405.00	\$106,423.09	(\$45,020.26)
4930-Business & Community Dev.		\$222,031.80	\$82,583.51	\$139,448.29		\$207,632.15	\$88,957.84	\$6,374.33
6100-Recreation		\$1,515,342.23	\$654,950.92	\$860,391.31		\$1,126,621.96	\$509,567.43	(\$145,383.49)
Total Expense:		\$15,146,598.44	\$6,168,713.02	\$8,977,885.42	41%	\$16,109,058.62	\$6,242,723.40	\$74,010.38
Fund 10 Surplus (Deficit):			\$3,009,076.78				\$1,778,377.68	\$1,230,699.10
Fund: 20 - Boger City Fire District								
Revenue								
		\$1,493,258.15	\$621,986.61	\$871,271.54	42%	\$1,455,912.79	\$435,238.46	\$186,748.15
		\$1,493,258.15	\$621,986.61	\$871,271.54	42%	\$1,455,912.79	\$435,238.46	\$186,748.15
Total Revenue:								
Expense								
4340-Fire		\$1,493,258.15	\$639,947.13	\$853,311.02		\$1,455,912.79	\$526,794.04	(\$113,153.09)
		\$1,493,258.15	\$639,947.13	\$853,311.02	43%	\$1,455,912.79	\$526,794.04	(\$113,153.09)
Total Expense:								
Fund 20 Surplus (Deficit):			(\$17,960.52)				(\$91,555.58)	\$73,595.06



Executive Summary

December 2023 Year-to-Date (Unaudited)

	2023-2024 Budget	2023-2024 YTD Activity	Budget Remaining	Variance %	2022-2023 Budget	2022-2023 YTD Activity	Variance Favorable / (Unfavorable)
Fund: 61 - Water and Sewer Fund							
Revenue							
	\$8,514,473.54	\$4,690,938.96	\$3,823,534.58	55%	\$9,797,384.96	\$4,438,298.79	\$252,640.17
Total Revenue:	\$8,514,473.54	\$4,690,938.96	\$3,823,534.58	55%	\$9,797,384.96	\$4,438,298.79	\$252,640.17
Expense							
7100-Water Treatment	\$2,190,000.00	\$774,168.83	\$1,415,831.17		\$2,124,669.18	\$807,772.52	\$33,603.69
7110-Distribution & Collection	\$2,412,514.68	\$1,051,011.65	\$1,361,503.03		\$3,206,713.43	\$996,779.63	(\$54,232.02)
7120-Wastewater Treatment	\$2,057,606.24	\$788,786.13	\$1,268,820.11		\$1,946,921.20	\$682,904.88	(\$105,881.25)
7130-Water/Sewer Intangibles	\$1,854,352.62	\$2,127,465.63	(\$273,113.01)		\$2,519,081.15	\$2,050,139.51	(\$77,326.12)
Total Expense:	\$8,514,473.54	\$4,741,432.24	\$3,773,041.30	56%	\$9,797,384.96	\$4,537,596.54	(\$203,835.70)
Fund 61 Surplus (Deficit):		(\$50,493.28)				(\$99,297.75)	\$48,804.47
Fund: 63 - Electric Fund							
Revenue							
	\$7,976,876.12	\$3,975,274.94	\$4,001,601.18	50%	\$8,444,139.19	\$3,819,266.45	\$156,008.49
Total Revenue:	\$7,976,876.12	\$3,975,274.94	\$4,001,601.18	50%	\$8,444,139.19	\$3,819,266.45	\$156,008.49
Expense							
7200-Electric	\$7,976,876.12	\$3,780,768.85	\$4,196,107.27		\$8,444,139.19	\$3,939,746.74	\$158,977.89
Total Expense:	\$7,976,876.12	\$3,780,768.85	\$4,196,107.27	47%	\$8,444,139.19	\$3,939,746.74	\$158,977.89
Fund 63 Surplus (Deficit):		\$194,506.09				(\$120,480.29)	\$314,986.38
Total Surplus (Deficit):		\$3,135,129.07				\$1,467,044.06	\$1,668,085.01



Overtime Report

December 2023 compared to December 2022 Year-to Date

Fund:	Description:	FY2324		FY2223		Variance Favorable / (Unfavorable)	
		OT Hours:	Pay Amount:	OT Hours:	Pay Amount:	OT Hours:	Pay Amount:
Fund 10 - General	4110-City Manager/Clerk	42.87	\$2,344.04	20.81	\$933.43	(22.06)	(\$1,410.61)
	4120-Human Resources	16.84	\$617.56	0.00	\$0.00	(16.84)	(\$617.56)
	4130-Finance	7.12	\$225.96	5.36	\$154.68	(1.76)	(\$71.28)
	4310-Police	1,964.24	\$68,769.54	1,391.30	\$45,310.45	(572.94)	(\$23,459.09)
	4340-Fire	5,741.50	\$137,844.51	6,001.20	\$133,814.63	259.70	(\$4,029.88)
	4510-Public Works Administration	0.41	\$11.26	5.67	\$172.06	5.26	\$160.80
	4520-Street and Maintenance	596.29	\$17,109.41	340.98	\$8,667.90	(255.31)	(\$8,441.51)
	4530-Equipment Services	14.85	\$498.45	29.71	\$1,093.02	14.86	\$594.57
	4710-Solid Waste	188.05	\$5,197.64	280.55	\$7,345.95	92.50	\$2,148.31
	4910-Planning and Zoning	2.73	\$94.24	0.00	\$0.00	(2.73)	(\$94.24)
	4930-Business & Community Dev.	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
	6100-Recreation	287.30	\$9,488.70	438.12	\$13,178.15	150.82	\$3,689.45
10 - General Fund Total:		8,862.20	\$242,201.31	8,513.70	\$210,670.27	(348.50)	(\$31,531.04)
Fund 20 - Boger City Fire District	4340-Fire	2,720.25	\$65,098.46	2,920.71	\$61,650.37	200.46	(\$3,448.09)
	20 - Boger City Fire District Total:	2,720.25	\$65,098.46	2,920.71	\$61,650.37	200.46	(\$3,448.09)
Fund 61 - Water and Sewer	7100-Water Treatment	1,032.58	\$29,066.12	914.50	\$24,210.30	(118.08)	(\$4,855.82)
	7110-Distribution & Collection	867.43	\$30,595.11	778.18	\$25,028.42	(89.25)	(\$5,566.69)
	7120-Wastewater Treatment	1,327.42	\$42,004.70	1,030.02	\$29,363.58	(297.40)	(\$12,641.12)
	61 - Water and Sewer Fund Total:	3,227.43	\$101,665.93	2,722.70	\$78,602.30	(504.73)	(\$23,063.63)
Fund 63 - Electric	7200-Electric	557.33	\$22,204.72	402.52	\$14,231.70	(154.81)	(\$7,973.02)
	63 - Electric Fund Total:	557.33	\$22,204.72	402.52	\$14,231.70	(154.81)	(\$7,973.02)
	Total Overtime:	15,367.21	431,170.42	14,559.63	365,154.64	(807.58)	(66,015.78)
Special Events Hours and Costs:		FY2324		FY2223			
4310-Police		509.06	\$13,128.40	454.92	\$11,243.31	(54.14)	(\$1,885.09)
4520-Street and Maintenance		45.48	\$956.10	25.05	\$434.14	(20.43)	(\$521.96)
4710-Solid Waste		7.03	\$100.15	24.72	\$463.31	17.69	\$363.16
Total Event:		561.57	14,184.65	504.69	12,140.76	(56.88)	(2,043.89)

*** Special Event hours are not included in OT hours reported above.

Executive Summary (December 2023 YTD -vs- December 2022 YTD):

Fund 10: General Fund –

Revenue:

- 14.42% increase from prior year.
- Significant increases in part to
 - * Ad Valorem Levy/Taxes
 - * Interest Income
 - * State Grant – Rail Trail Project
 - * ABC Revenue
 - * Recreational Concessions, Registrations, & Rental Fees

Expense:

- 1.19% decrease from prior year.
- Areas with increases:
 - * Uniforms up ~105.93% (driven by Public Safety)
 - * Training/Travel up ~89.58% (CDL programs, Certifications-various departments, New hire training)
 - * Equipment Repair & Parts up ~60.31% (Vehicle maintenance & replacement tires)
 - * Computer Expense/Software up ~58.85% (NeoGov Software)
 - * Tax Conversion/Collection up ~41.74% (payment to Lincoln County for collecting City taxes)
 - * Consulting Fees/Contracted Services up ~18.15% (Police Chief Recruitment services)
 - * Overtime up ~ 14.96% (driven by Public Safety)
 - * Property & Casualty Insurance up ~14.48%
 - * Benefits up ~10.68% (FICA & Retirement)
 - * Salaries up ~7.56% (FT and PT)
- Areas with (decreases):
 - * Unemployment Insurance down ~79.89%
 - * Capital Expense down ~ 55.67% (last year the City purchased a new Garbage Truck)
 - * Personal Protective Equipment down ~52.96%
 - * Worker's Comp Ins down ~22.32%
 - * Gas & Oil down ~14.76%
 - * Enterprise Vehicles Leases down ~ 10.58%
 - * Insurance Benefits down ~7.97%
 - * Supplies down ~8.58%

Fund 20: Boger City Fire District –

Revenue:

- 42.91% increase from prior year.
- Significant increases in part to
 - * BC Fire tax
 - * Interest Income

Expense:

- 21.48% increase from prior year.
- Areas with increases:
 - * Training/Travel up ~88.60%
 - * Fire Safety Education up ~81.05%
 - * Miscellaneous Equipment up ~66.50% (Electric Vehicle Fire Blankets & Motorola Fire Officer Shoulder Mics)
 - * Uniforms & PPE up ~46.13%
 - * Utilities/Stations up ~28.57%
 - * Supplies up ~25.15%
 - * Benefits up ~22.31% (FICA & Retirement)
 - * Salaries up ~18.16% (FT & PT)
 - * Property & Casualty Insurance up ~14.74%
- Areas with (decreases):
 - * Telecommunications/Telephone down ~40.25%
 - * Building Maintenance down ~40.18%
 - * Consulting Fees/Contracted Services down ~35.81%
 - * Security Services down ~12.28%

Fund 61: Water & Sewer Fund –

Revenue:

- 5.69% increase from prior year.
- Significant increases in part to
 - * Water Utility Customers
 - * Water/Sewer Connection Charges
 - * Interest Income
 - * Utility Receivables
 - * Insurance Settlements
 - * Miscellaneous Revenue

Expense:

- 4.49% increase from prior year.
- Areas with increases:
 - * Equipment Repairs up ~220.22% (Muffin Monster Repairs, New Building Breaker, & Chlorine Pump Replacement)
 - * Bad Debt Expense up ~77.11%
 - * Uniforms up ~72.91%
 - * Supplies up ~64.29%
 - * Chemicals/Chemical Analysis up ~40.95%
 - * Credit Card expense is up ~40.53%
 - * Building Maintenance up ~39.11%
 - * Overtime up ~29.36%
 - * Postage up ~28.96%
 - * Enterprise Vehicles Lease up ~13.72%
 - * Benefits up ~12.34% (FICA & Retirement)
 - * Property & Casualty Insurance up ~8.41%
 - * Salaries up ~7.14% (FT & PT)
- Areas with (decreases):
 - * Consulting Fees/Contracted Services down ~91.75% (Prior year – Water Line on North Poplar/Anderson Bldg)
 - * Miscellaneous Equipment down ~75.87% (Prior year – Drilling & Tap Mach Mueller & Metrotech Pipe Locator)
 - * Dues/Subscriptions/User Fees down ~34.80% (Prior year – Mobile 311)
 - * Capital Expense down ~28.95%
 - * Water Service Contract down ~17.02%
 - * Insurance Benefits down ~14.79%
 - * Telecommunications/Telephone down ~10.56%
 - * Gas & Oil down ~7.45%

Fund 63: Electric Fund –

Revenue:

- 4.08% increase from prior year.
- Significant increase in part to:
 - * Interest Income
 - * Default Fees
 - * Utility Receivables

Expense:

- 4.04% decrease from prior year.
- Area with increases:
 - * Overtime up ~56.02%
 - * Bad Debt Expense up ~45.90%
 - * Credit Card Expense up ~40.19%
 - * Miscellaneous Equipment/Tools up ~37.83% (Linemen's Tools)
 - * Street Lighting up ~34.04%
 - * Personal Protective Equipment (PPE) up ~25.67%
 - * Sales Tax Distribution up ~17.32%
 - * Benefits up ~7.73% (FICA & Retirement)
- Areas with (decreases):
 - * Miscellaneous Expense down ~99.68% (Prior year – Downtown Light-Pole Bracket sets (31) & NCMPA Lighting Credit to E-Z Way Auto Sales/Southern Lighting Services)
 - * Equipment Repairs & Parts down ~88.92% (Prior year – Electric vehicle repairs to Boom, Outrigger pads, & Interlock)
 - * Natural Gas down ~35.88%
 - * Telecommunications/Telephone down ~35.85%
 - * Gas & Oil down ~21.50%
 - * Insurance Benefits down ~9.27%

Overtime Report

Overtime continues to be an area of concern, but most of the costs is from departmental training and vacancies that have been hard to fill.

Special Events costs have also increased since Covid is not a major factor with our extra City-wide activities any longer. Special Events for the reporting period is for July 4th parade, Alive after Five, National Night Out for the Police Department, Parades at Thanksgiving, Veteran's Day, and Christmas.



LINCOLNTON
AGENDA ITEM SUMMARY

To: The Honorable Mayor and City Council
Date: February 1, 2024
From:
Subject: City Managers Update/Activity Report

Summary:

Background:

Fiscal Impact:

Recommendation:

Attachments:

None