

A G E N D A

LINCOLNTON CITY COUNCIL



May 1, 2025

7:00 p.m.

Council Chambers

City hall



**LINCOLNTON
AGENDA
May 1, 2025
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

- **April 3, 2025 - Regular Meeting Minutes**
- **Lincoln County Tax Department - Request for Release for March 16, 2025 through April 15, 2025**
- **C-09-25 - Consideration of Contract with Downtown Development Association for the 2025 Alive After Five Series**
- **C-10-25 - Consideration of Display proposal and Contract for Pyro Shows from East Coast for July 4th 2025 Fireworks Show**
- **PROCLAMATION - Firefighter Appreciation Day - May 4, 2025**
- **PROCLAMATION - Professional Municipal Cerks Week - May 4th - 10th, 2025**
- **PROCLAMATION - National Skilled Nursing Care Week - May 11th - 17th, 2025**
- **PROCLAMATION - National Police Week - May 11th - 17th, 2025**
- **PROCLAMATION - National Public Works Week - May 18th - May 24, 2025**

SPECIAL PRESENTATION

- **Recognition of the 2024-2025 Lincolnton Student Advisory Council members**

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

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

2. PUBLIC HEARINGS

2a CZ-3-2025

Application from Greenway Residential Development LLC. requesting a Conditional District Rezoning of approximately 8.7 acres of land from the Planned Business (PB) District to the Planned Residential Development (PRD) District for the purpose of constructing a 60 unit Multi-Family Development. The subject properties are located on the east side of South Generals Blvd and the west side of Jerry Crump Road, approximately 150 feet south of the intersection of Jerry Crump Road and Country Club Road (Parcel ID 55188, 18143, 18170, and a portion of 55187) - APPLICATION WITHDRAWN

Jean Derby, Planning Director

2b ZTA-2-2025 Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Ashley Jones, Zoning Administrator

3. REGULAR AGENDA

3a Update on Current LEDA Activities

Cliff Brumfield LEDA Director

3b B-05-25 Budget Amendment to the Annual Budget Ordinance for the fiscal year ending June 30, 2025

Ritchie Haynes, City Manager

3c P-05-25 Consideration of Approval of Amendments to Shelter Rentals Policies and Procedures

Nathan Eurey, Public Services Director

4. OTHER BUSINESS

4a Official Presentation of the 2025-2026 Budget, Proposed Fee Schedule and Budget Message

Ritchie Haynes, City Manager

4b City Manager's Update / Activity Report

Ritchie Haynes, City Manager

4c City Attorney's Report

John Friguglietti City Attorney

NEWS MEDIA

ADJOURNMENT

REGULAR MEETING – APRIL 3, 2025

The Lincolnton City Council met in Regular Session on Thursday, April 3, 2025, at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, NC.

The following Council members were present and accounted for:

DEMENY JOHNSON TIPTON JETTON

Mayor Ed Hatley called the April 3rd City County meeting to order asking all to rise for the moment of silence, after which members in the audience joined in reciting the pledge of allegiance.

Councilmember Jill Tipton made a motion to approve the REGULAR AGENDA as submitted. Members voted 4-0 in favor of the motion.

Councilmember Kevin Demeny made a motion to approve the CONSENT AGENDA items as follows:

- March 6, 2025 – Regular Meeting Minutes
- Lincoln County Tax Department – Request for Release for February 16, 2025 – March 15, 2025
- Proclamation – Line Worker Appreciation Day 2025

Members voted 4-0 in favor of the motion.

SPECIAL PRESENTATION

Chief Brian Greene and Major Dewayne McAllister presented Hunter White with his Intermediate Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission. Chief Greene explained that eligibility is based on education, professional training and work experience as law enforcement. Hunter was congratulated for his hard work and dedication to need to obtain the certificate.

Chief Greene also informed members of council of the special badges officers may be wearing in recognition of autism.

PUBLIC COMMENT

Mayor Ed Hatley opened the floor for public comments. There were four individuals that addressed the council during this portion of the meeting as follows:

REGULAR MEETING – APRIL 3, 2025

Jedi Lykins	610 Grier Street, Lincolnton, NC
Frank Keenan	619 Victor Street, Lincolnton, NC
Gunny Hoyle	319 N. Poplar Street, Lincolnton, NC
Trent Mason	207 Mockingbird Lane, Lincolnton, NC

Individuals were given three (3) minutes to express their views and opinions on a variety of issues.

PUBLIC HEARING

CZ-2-2025

Application from Lorrie V. Jones requesting a Conditional District Rezoning of 0.36 acres of land from Residential-10 (R-10) District to the Neighborhood Business Conditional District (NB-CD) District for the purpose of using a portion of the existing church for a hair salon. The subject property is located at 416 Louise Avenue (Parcel ID 01233)

Mayor Ed Hatley opened the public hearing. Planning Director Jean Derby reviewed the application for a rezoning request at 416 Louise Avenue. Ms. Derby explained the existing zoning, the current use and the proposed use. She provided some background information on the property, stating that although the church is a non-confirming use, it is allowed to continue. An aerial view and street views of the property were displayed, along with a visual provided by the applicant showing the portions of the church that would be used for the salon. She also provided relevant information about the business, the stylist and their hours of operation. Ms. Derby listed some pertinent ordinance information regarding the allowed uses in the R-10 zoning district. She noted again that the church is a non-confirming use but can continue in accordance with the provisions in the subchapter. She also informed that a non-confirming use cannot be expanded. Ms. Derby stated that the business district most suited for this request would be the Neighborhood Business District, which allows both beauty shops and churches. She continued speaking to land use plan compliance stating that if approved, the parcel would need to be amended on the land use map. Ms. Derby reminded that because the request is a conditional zoning, the beauty shop would be the only thing allowed. She reviewed the conditions of approval if approved.

The applicant, Lorrie V. Jones, was in attendance and addressed council members regarding the request. Mrs. Jones apologized for unknowingly violating the city's zoning ordinance and asked board members to forgive her ignorance, as she honestly just did not know. She explained that once she became aware of the violation, the

REGULAR MEETING – APRIL 3, 2025

salon was closed and will remain closed until a decision is made. Mrs. Jones spoke to the type of establishment she operates and the clients they serve. She spoke to the neighborhood and how her business will in no way harm or negatively impact the property or the residents. Mrs. Jones respectfully asked members of the council to approve the request.

A number of people signed up to speak both in favor of and against the request. Felicia Simmons, Dortha Jolly, Jamel Farley, and Angela Charles spoke in favor of the request and spoke to the character of the owner and the other stylist. All talked about the positive atmosphere and influence that Mrs. Jones and the other stylist have on their clients. They expressed their belief that the salon would have a positive impact on the neighborhood.

Ben Robinson, Ann Howell and Frank Keenan all spoke in opposition to the rezoning request, voicing their concerns. They stated that they felt it would bring unwanted traffic and that it would negatively affect the neighborhood's atmosphere by allowing a business to operate out of the church.

Mr. Anthony Bynum, the pastor of the church and owner of the property, was in attendance and spoke on behalf of the applicant. Mr. Bynum stressed that fact that a church itself is a business and that this would simply be an extension of the work and services they provide for their members and others they help.

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

Councilmember Kevin Demy made a motion to deny the request. Members voted 4-0 in favor of the motion.

ZMA-2-2025

Application from Danny B. Dellinger Jr. requesting the rezoning of approximately 21.56 acres of land from General Manufacturing and Commercial (GMC) District to the Residential-25 (R-25) District. The subject property is located to the south of Carolina Mill Circle (Parcel ID 53616)

Planning Director Jean Derby began by informing council members that she received a message from the applicant changing his request from a Zoning Map Amendment to Conditional Zoning. With that being said, and after speaking with the City Attorney and the Planning Board Chair, Ms. Derby made the change as requested. She informed members of the applicants intended use of the property, which will be used for a single family home. Ms. Derby reviewed the request as Conditional

REGULAR MEETING – APRIL 3, 2025

Zoning, speaking to the existing zoning, proposed zoning and current use. She provided detailed site information and a list of uses currently allowed on the proposed property.

Ms. Derby reviewed the Technical Review Committee comments from past potential commercial projects. She spoke to Land Use Plan compliance and to the staff comments, stating that the only condition of approval was that the lot be used for a single family home. Ms. Derby provided the proposed statement of consistency, one for approval and one for denial, advising that the Planning Board approved the request 5 to 1. In conclusion, Ms. Derby clarified what actions would be needed depending on what action was taken, approval or denial.

Mayor Ed Hatley recognized Mr. Tristan Smith, who initially wanted to speak against the rezoning request. Since the applicant changed his request and since the use will be for a single-family home, Mr. Smith withdrew is opposition.

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

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

ZTA-1-2025

Consideration of Request from Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Planning Director Jean Derby addressed council members regarding several text amendments to the City's Code of Ordinance. Ms. Derby explained that these are the same amendments that were tabled at the March meeting at the request of the council. She offered to answer questions or clarify any of the information regarding the amendment. Ms. Derby provided a more detailed explanation for the requested change to the extension for variances that could have been seen as confusing. She also emphasized that all of the other changes were administrative things to "clean up" and organize the sections. She concluded by reading a proposed statement of consistency and reasonableness.

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

Councilmember Mark Johnson made a motion to approve the zoning text amendment as presented. Members voted 4-0 in favor of the motion.

REGULAR AGENDA

C-08-25

**Consideration of Approval of Contract for Audit
Accounts for Fiscal Year 2024-2025**

Finance Director Pamela McBryde addressed the council to request approval of a contract between the City of Lincolnton and Lowdermilk Church & Co., LLP for the fiscal year 2024-2025 audit. Ms. McBryde explained it as the standard audit contract that must be submitted to the Local Government Commission (LGC) once approved by Council. She reminded member that this has to be done, per General Statute, prior to the work being done. Ms. McBryde offered to answer any questions.

Councilmember Roby Jetton made a motion to approve the recommendation (contract). Members voted 4-0 in favor of the motion.

BA-04-25

**Budget Amendment to the Annual Budget Ordinance
for Fiscal Year 2024/2025**

Finance Director Pamela McBryde presented an amendment to the annual budget ordinance for fiscal year 2024/2025 for Council's approval. Ms. McBryde informed that the amendment would be adding over \$507,000 to the budget. The requested amendment is as follows:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2025.

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

General Expense	\$	297,043
Police		5,300
Fire		150
Solid Waste		1,920
Planning/Zoning		9,011
Recreation		20,772
	\$	<u>334,195</u>

REGULAR MEETING – APRIL 3, 2025

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

SW: Rollout Fees	\$	1,920
General: Cemetery Lot Sales		1,600
PD: Sidewalk Café Permit		35
PD: Misc. Revenue		5,265
P&Z: Zoning Department Fees		9,011
FD: Inspection Fees		150
Rec: Registration & Entry Fees		20,552
Rec: Rental Fees		119
General: Interest		100,334
General: Misc. Rev-Contributed Property		25,766
General: Sale of Capital Assets		1,399
General: Misc. Revenue		165,038
General: Insurance Settlement		1,958
General: Repair Settlement		431
General: WEX-Fuel Rebates		517
Rec: Veterans Banner Project		100
General: Federal Equitable Deposits		0
	\$	334,195

General Fund: Misc Revenues for the Parks & Recreation, Police, Fire, P&Z and Solid Waste departments, Hollybrook Cemetery sales, Interest income, Insurance/Repair Settlements from: NCLM - PD; Officer Darius Collins hit a deer payment #2), Wex fuel rebates, FEMA reimbursements, donation of Trackless Train from DDA/LTDA, & Federal Equity Interest income.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	\$	2,845
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Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	2,845
	\$	2,845

Powell Bill Fund: Record interest income earned.

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Water Treatment Plant	\$	15,108
Distribution and Collection	\$	66,941
Wastewater Treatment Plant		10,373
	\$	92,421

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	\$	60,901
Connection Charges		5,560
Other Operating Revenues		25,960
	\$	92,421

Water and Sewer Fund: Carolina Elite Builder, Mejia Restoration, Reesebuilt Contracting, & Paul Kraemer connection fees, Water tank rental fees (Lee and McAllister tanks), FEMA Reimbursement, miscellaneous fees, and Interest income earned.

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	\$	77,694
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Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	\$	43,472
Other Operating Revenue		34,222
	\$	77,694

Electric Fund: Interest income earned, Insurance Settlements: (1) Erie Insurance - Chevy hit utility pole; (2) Federated Mutual Insurance - International truck hit utility pole, FEMA Reimbursement, and Utility receivables.

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.

REGULAR MEETING – APRIL 3, 2025

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 \$ 507,155

Adopted this 3rd day of April, 2025

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

Ms. McBryde offered to answer any questions regarding the amendment.

Councilmember Kevin Demeny made a motion to approve the Budget Amendment to the annual Budget Ordinance. Members voted 4-0 in favor of the motion

OTHER BUSINESS

O-01-25

Consideration of Request to Approve Amendment to Public Art Ordinance

City Manager Ritchie Haynes addressed the council requesting an amendment to the Public Art Ordinance to help streamline the process regarding projects on the Rail – Trail and at First Federal Park. Mr. Haynes provided some history regarding the reason for the ordinance and explained that any “art” for First Federal Park and the Rail-Trail is being reviewed by the Recreation Commission and the Rail Trail Committee before it comes to City Council. Mr. Haynes recommended excluding the Marcia Cloninger Rail Trail and First Federal Park from the Public Art Ordinance since they have oversight by two other committees. There was some discussion between members and staff regarding the change.

Councilmember Jill Tipton made a motion to keep the Public Ordinance the way that it is. Members voted 4-0 in favor of the motion.

2025 July 4th Celebration Fireworks Contract

City Manager Ritchie Haynes requested that this item be scratched from the agenda. He informed members that he would request approval of the fireworks contract for the 2025 July 4th celebration at a later date. No action was taken.

Manager's Report / Activity Update

City Manager Ritchie Haynes reviewed his monthly manager's report. He reminded members of the dates for a number of upcoming activities and events, including First Friday Recycling and the Annual Budget Work session scheduled for Friday, April 11, 2025. He mentioned the Cruise In, also scheduled for April 11th, 2nd Saturday Shop local and the Student Advisory Councils Color Run.

Mr. Haynes made a point to highlight the City Page newsletter, announced the two newly hired police officers, informed of several promotions that took place, as well as different certifications that were obtained. Mr. Haynes provided a copy of the Homeless Report that is submitted by the police department. He gave a brief overview of the agenda for the upcoming budget work session meeting, spoke to the housing report, commented on the excellent job that the Street Department is doing on the sidewalks currently being repaired in the downtown area and recognized the 18th as Lineman Worker Appreciation Day. Mr. Haynes ended his report by directing Councils attention to the action item spreadsheet included in the report. He offered to answer any questions.

NEWS MEDIA

Mayor Ed Hatley recognized all news media that were in attendance, opening the floor for questions they had. Several questions were asked and answered.

ADJOURNMENT

Mayor Ed Hatley asked for a motion to adjourn the meeting. **Councilmember Jill Tipton made the motion. Members voted 4-0 in favor of the motion.**

Meeting adjourned at 8:56 p.m.

DAPHNE INGRAM, CMC
CITY CLERK

ED HATLEY
MAYOR

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES

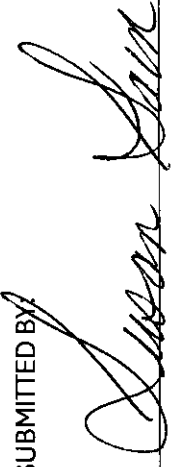
1

CITY RELEASES LESS THAN \$100

PERIOD COVERED

March 16, 2025 through April 15, 2025

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Picado Ricardo Antonio	2024	22	0239045	\$40.22	Sold before 2024

SUBMITTED BY:  DATE: 4-21-25

Total \$40.22

SUSAN SAIN, TAX ADMINISTRATOR

APPROVED BY:

DATE:

RICHARD HAYNES, CITY MANAGER

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES

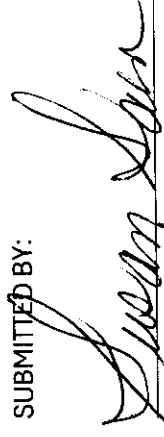
CITY RELEASES \$100 AND OVER

PERIOD COVERED

March 16, 2025 through April 15, 2025

NAME	YEAR	DISI	A/C NO	AMOUNT	REASON
Banks Edwin Conrad	2021-2022	22	0129912	\$244.84	Status cancelled to FL.
E & K Trucking LLC	2024	22	0274213	\$274.18	Totalled 11/2024
Fire Grill	2024	22	0301000	\$1,320.61	Assets under Acct. 0273864
Magic Cleaners	2026	22	36740	\$396.77	Owner Deceased 7/2025
Zhay's Bar and Grill LLC	2022-2024	22	0274322	\$3,807.41	See Acct. 0309502
Total				\$6,043.81	

SUBMITTED BY:


SUSAN SAIN, TAX ADMINISTRATOR

DATE:

4-21-25

APPROVED BY:

DATE:

RICHARD HAYNES, CITY MANAGER

CONTRACT

**STATE OF NORTH CAROLINA
COUNTY OF LINCOLN**

THIS CONTRACT AND AGREEMENT made and entered into on this the 1st day of May, 2025, by and between **THE DOWNTOWN DEVELOPMENT ASSOCIATION OF LINCOLNTON, INC.**, a corporation existing and doing business under the laws of the State of North Carolina, party of the first part, (hereinafter referred to as DDA), and the **CITY OF LINCOLNTON**, a municipal corporation created and existing under the laws of the State of North Carolina, party of the second part, (hereinafter referred to as CITY);

WITNESSETH:

The parties to this Contract hereby recite and declare that:

- a. Section 131.01 of the Code of Ordinances of the City of Lincolnton was so amended by the Lincolnton City Council at its regular meeting on May 1st, 2025, to allow the City to authorize and regulate the possession and consumption of malt beverages and unfortified wine on the public streets, alleys, and parking lots which have been temporarily closed to regular traffic for special events.
- b. The DDA is the sponsor, promoter, and operator of the event known as the “Lincolnton Alive After Five” events, which will be staged in downtown Lincolnton on Thursdays in 2025; May 22, June 26, July 24, August 28, and September 18, 2025.
- c. At the request of the DDA, the City Council agreed, subject to the provisions and conditions hereinafter set forth, to allow the DDA to administer the sale and sampling of malt beverages, unfortified wine and distilled spirits to the public within the designated event area between Court Square and Poplar Street at designated location(s) and to supervise and monitor the consumption of said alcoholic beverages at and during the “Lincolnton Alive After Five” events in downtown Lincolnton in 2025.

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

I.

- d. That in accordance with and subject to the terms and conditions herein set forth, the DDA is authorized to administer the sale and sampling of malt beverages, unfortified wine and distilled spirits to the public at its “Lincolnton Alive After Five” events, which are scheduled to be held on Thursday May 22, June 26, July 24, August 28, and September 18, 2025.

II.

That all alcoholic beverages sold and served at the event will be sold and consumed within the confines of the designated event area, the location of which must be approved by the City. The DDA agrees to obtain, pay for, and comply with all governmental permits and licenses necessary for the sale and consumption of the alcoholic beverages.

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

That DDA will not sell or allow the consumption of any alcoholic beverage before 6:00 p.m. or after 10:00 p.m. on the day of each event.

III.

That DDA hereby agrees to indemnify and hold the City and its employees harmless from any claims, causes of action, loss or injury resulting from the sale and sampling of alcoholic beverages and subsequent consumption thereof by the public at the “Lincolnton Alive After Five” events. That DDA agrees to defend the City against any such claims of loss or injury filed against the City.

IV.

That DDA will obtain and pay for liability insurance coverage (in an amount satisfactory to the City) for itself and the City as a result of the sale of alcoholic beverages on the streets of the City during the “Lincolnton Alive After Five” events. That DDA will promptly provide a copy of said insurance policy (ies) to the City. All policies will designate the City as a named insured.

V.

That the City reserves the exclusive right to modify, cancel, and rescind this Contract at any time hereafter if, in its sole discretion, the sale and consumption of alcoholic beverages at any “Lincolnton Alive After Five” event has resulted in problems that are detrimental to the health, welfare, or well-being of the City or its citizens.

VI.

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

VII.

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

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

DOWNTOWN DEVELOPMENT ASSOCIATION OF LINCOLNTON, INC.

By: _____
Rachel Herman, Chairman

Attest:

Betty Flohr, Executive Director

CITY OF LINCOLNTON

By: _____
Ed Hatley, Mayor

Attest: _____
Daphne Ingram, City Clerk **(Municipal Seal)**



April 4, 2025

Richie Haynes
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

Dear Mr. Haynes:

Thank you for your continued interest.

Enclosed please find a display proposal and contract for your review. Keep in mind that the enclosed proposal represents a complete turnkey display. Pyro Shows East Coast will supply all material, qualified technicians and 10 million dollars liability insurance coverage. In addition, we will work with the local authorities to secure the required discharge permit.

The proposed display will contain all Large Caliber shells for the Main Body of the display with the Grand Finale to include both 3-inch and 4-inch shells.

If the proposed display meets your approval, please return the enclosed contract to secure your upcoming event.

If you should have any questions, do not hesitate to contact me at 1-800-238-5114 or j.matthews@pyroshows.com

As always, a pleasure to speak with you and I look forward to the opportunity to continue to be of service.

Sincerely,

Joel Matthews
Show Director

City of Lincolnton
July 4th, 2025
\$17,000.00 Proposal Synopsis

Opening

3 – 3” Silver Titanium Salutes with Rising Tails

Body

135 – 4” Caliber Shells

147 – 5” Caliber Shells

Grand Finale

40 – 3" Assorted Color Dahlia & Crown Shells

40 – 3" Variegated Color Peony & Chrysanthemum Shells

40 – 3" Silver Titanium Salutes with Rising Silver Tails

63 – 4” Variegated Color Peony & Chrysanthemum Shells

Suggested Duration: 15 to 17 minutes



PYRO SHOWS EAST COAST, INC.
Contract Agreement

This Agreement made on Apr 4, 2025, by and between PYRO SHOWS EAST COAST INC., a South Carolina Corporation, whose address is 4652 Catawba River Road, Catawba, South Carolina 29704, with a mailing address at P.O. Box 1776, LaFollette, TN 37766 and hereinafter referred to as "PYRO SHOWS" and CITY OF LINCOLNTON with its principal place of business located at P.O. BOX 617 LINCOLNTON, NC 28093 hereinafter referred to as "Customer".

In consideration of the mutual promises and undertakings set forth herein, receipt of said consideration being acknowledged, the parties hereby agree as follows:

- I. **FIREWORKS DISPLAY:** PYRO SHOWS agrees to furnish to Customer a fireworks display, hereinafter referred to as "Show", pursuant to the project/sales order # **25 NC 07-04-C-17000-000229** dated **Apr 4, 2025**. The Show(s) will be given on **July 4, 2025**. Rain date/postponement date: **No Rain Date Selected 0, 0**
- II. **TARIFF PROVISION:** Because our pyrotechnics are products which are primarily imported into the U.S., PYRO SHOWS is legally responsible for payment of any applicable tariffs (a border tax imposed on the buyer) for pyrotechnics. From the date of execution of the contract herein, in the event of additional cost due to increased price of product as imposed by manufacturer and/or tariffs levied for imported products. Available options are as follows: Customer may opt to increase their budget to absorb tariff - OR - Customer may maintain the current budget of their show with a corresponding reduction in the amount of product included in their show. Should Customer elect to defer, modify, or cancel Show, Customer shall notify PYRO SHOWS no less than ninety (90) days prior to Show date to cancel or reduce the size of show.
- III. **CANCELLATION:** PYRO SHOWS shall determine what weather conditions prohibit PYRO SHOWS from proceeding with the Show; in which case, PYRO SHOWS agrees to present the Show on the following day or previously agreed upon postponement date. In addition to contracted Show cost, Customer shall remit the actual additional expenses PYRO SHOWS shall incur in presenting the show on subsequent occasion to include labor, lodging, per diem, etc.; in no event shall these additional expenses be less than ten percent (10%) of the contracted price of the Show. In the event the Show must be RESCHEDULED to a mutually agreed upon date other than the previously agreed upon rain date, in addition to contracted Show cost, Customer shall remit the actual additional expenses PYRO SHOWS shall incur in presenting the Show on subsequent occasion to include labor, lodging, per diem etc.; in no event shall these expenses be less than thirty percent (30%) of the contracted price of the Show. Should Customer elect to CANCEL the Show for any reason, Customer must provide PYRO SHOWS with thirty (30) days' written notice by certified mail, return receipt, to PYRO SHOWS' address as set forth above. Customer agrees that PYRO SHOWS shall incur substantial expense in preparation for the Show and, accordingly, agrees to pay PYRO SHOWS fifty (50%) of the total contract price for the show as liquidated damages for cancellation due to the fault of the Customer.
- IV. **SECURITY AREA:** Customer agrees to furnish sufficient space for PYRO SHOWS to properly conduct the Show as determined by NFPA 1123-2014 (hereinafter "Security Area"). Customer agrees to provide adequate security protection to preclude persons unauthorized by PYRO SHOWS from entering the Security Area. For the purposes of the Agreement, "Unauthorized Persons" shall mean anyone other than the employee(s) of PYRO SHOWS or persons specifically designated in writing by the sponsor or the Authority Having Jurisdiction (AHJ), and submitted and approved, to PYRO SHOWS prior to the event. Any expenses for security or stand-by fire protection shall be the responsibility of the Customer.
- V. **SITE CLEANUP:** PYRO SHOWS shall be responsible for basic cleanup of the launch area to include policing of the fallout zone for any unexploded ordnance and removal of all large paper debris, wood, wire, foil, racks, mortars and firing equipment used in the setup for the show. Customer shall be responsible for cleanup of debris located in and around the fallout zone.
- VI. **INDEMNIFICATION AND HOLD HARMLESS:** Customer agrees to hold PYRO SHOWS harmless from any damages caused to Customer which result as a consequence of unauthorized persons entering the Security Area. Furthermore, Customer agrees to defend and indemnify PYRO SHOWS from any and all claims brought against PYRO SHOWS for damages caused wholly or in part by Unauthorized Person who have entered the Security Area.
- VII. **AMENDMENT & ASSIGNMENT:** This agreement is deemed personal and confidential to Customer, his heirs, executors and administrators only, and may not be sold, assigned, amended, or transferred without the prior written consent of PYRO SHOWS.



PYRO SHOWS EAST COAST, INC.
Contract Agreement

- VIII. COMPLIANCE WITH THE LAWS AND REGULATIONS:** Promptly upon the execution of this Agreement, Customer shall apply for the approval hereof to any agency, officer or authority of any government if such approval is required by any applicable law, ordinance, code or regulation. Customer agrees to indemnify and hold harmless PYRO SHOWS from all claims, suits, causes of action, demands, penalties, losses or damages which may arise or accrue because of the failure or neglect of Customer to obtain the necessary approval(s). This Agreement is made expressly subject to, and Customer expressly agrees to comply with and abide by all applicable laws, ordinances, codes and regulations insofar as the same may be applicable to the terms and conditions of this Agreement, including all rules and regulations now existing or that may be promulgated under and in accordance with any such law or laws.
- IX. PERMITS AND LICENSES:** PYRO SHOWS shall process the necessary permits and licenses to enable PYRO SHOWS to perform fully hereunder unless otherwise forbidden by any other applicable statute, rule or otherwise. It is hereby stipulated that this Agreement is to be construed and governed by the laws of the State of South Carolina, and any suit involving this contract shall be brought in the Courts of York County in the State of South Carolina. The Customer hereby submits itself to the jurisdiction of said Courts and waives any rights to initiate proceedings against PYRO SHOWS in any other courts or jurisdictions. For Shows that include licensed music accompaniment, Customer agrees to verify with their organization, venue, sponsor, and/or municipality, the permission to simulcast music and agrees to pay any and all fees associated with the broadcast of said music in the public environment of the Show.
- X. LATE PAYMENT:** PYRO SHOWS shall charge, and Customer agrees to pay, one- and one-half percent (1 1/2%) per month late payment fee for each month until PYRO SHOWS is paid the amount set forth in Paragraph XIV herein. The stated late payment fee shall begin to run from the applicable date(s) established in Section XIV, unless this provision is prohibited by law.
- XI. ADVERTISEMENT AND PROMOTIONS:** Customer agrees that when promoting fireworks performed by PYRO SHOWS, Customer will name PYRO SHOWS as the fireworks provider in promotional advertising media. Customer agrees to allow PYRO SHOWS to use Customer's name as Customer.
- XII. COMPLAINTS:** In the event that Customer has a complaint concerning the Show, or any material or product used in or pursuant to the Show, or of the conduct of the Show by PYRO SHOWS, or any act or omission of PYRO SHOWS or its agents, either directly or indirectly, without limitation, Customer shall make complaint known to PYRO SHOWS in writing by certified mail to PYRO SHOWS' address as set forth above, within ten (10) days after the date of the Show. In the event that Customer fails to register any complaint in the time and in the manner specified, Customer agrees that it shall not claim such complaint as cause for an offset or withhold any payment due to PYRO SHOWS hereunder on account of or because of such complaint or any matter arising from, relating to or a consequence of the complaint. Furthermore, Customer agrees that should PYRO SHOWS have to collect any amount due PYRO SHOWS hereunder which Customer claims as an offset or which is withheld by Customer on account of, or because of, a complaint not registered with PYRO SHOWS in the time and in the manner specified herein, by law or through an Attorney-at-Law, PYRO SHOWS shall be entitled to collect attorneys' fees in the amount of 15% of the amount owing PYRO SHOWS or the maximum amount allowed by law, whichever is greater, along with all cost of collection.
- XIII. INSURANCE:** PYRO SHOWS will provide General Liability Insurance and Automobile Liability in the amount of \$10,000,000.00, combined single limit, covering its activities and services in connection with the show described in this contract. PYRO SHOWS also agrees to include Customer as an Additional Insured under the terms of this coverage. PYRO SHOWS will provide a Certificate of Insurance. All entities listed on the certificate will be deemed Additional Insured per this contract.
- XIV. PAYMENT TERMS:** CITY OF LINCOLNTON shall pay PYRO SHOWS \$ 17,000.00 plus applicable taxes in the amount of \$ 0.00 for a grand total of \$ 17,000.00 according to the terms and conditions set forth for presenting the Show. Customer shall submit a 50% deposit (\$ 8,500.00) upon return of the signed contract by **May 4, 2025**. Balance will be due in the PYRO SHOWS office upon Customer's receipt of invoice.
- XV. TAXES:** Customer shall be responsible for all applicable sales taxes.

IMPORTANT: Checks must be made payable to **PYRO SHOWS EAST COAST, INC.** and mailed to P.O. Box 1776, LaFollette, TN 37766.



PYRO SHOWS EAST COAST, INC.
Contract Agreement

All the terms and conditions set forth in any addendum attached to this Agreement are made part of this Agreement and incorporated by reference herein.

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

PYRO SHOWS EAST COAST, INC.

BY: _____ **DATE:** _____
Jesse D. Salveson, President

CUSTOMER

BY: _____ **DATE:** _____
Signature Printed Name Title

WARRANTY EXCLUSIONS

EXCEPT AS SPECIFICALLY PROVIDED HEREIN, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

No representation of affirmation of fact including but not limited to statement regarding capacity, suitability for use, or performance of equipment or products shall be, or be deemed to be, a warranty by PYRO SHOWS for any purpose, nor give rise to any liability or obligation of PYRO SHOWS whatsoever.

IN NO EVENT SHALL PYRO SHOWS BE LIABLE FOR ANY LOSS OF PROFITS OR OTHER ECONOMIC LOSS, INDIRECT, SPECIAL, CONSEQUENTIAL, OR OTHER SIMILAR DAMAGES ARISING OUT OF ANY CLAIMED BREACH OF OBLIGATIONS HEREUNDER.

CITY COUNCIL

Ed L. Hatley, Mayor
Kevin Demeny, Mayor Pro Tem
Mark Johnson
Jill Tipton
Roby Jetton



CITY MANAGER

Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
John M. Friguglietti, Jr.

**Firefighter Appreciation Day
May 4, 2025**

WHEREAS, the City of Lincolnton, North Carolina is committed to ensuring the safety and security of all those living and visiting Lincolnton; and,

WHEREAS, the City of Lincolnton recognized the benefits derived from the hard work, sacrifice and unwavering dedication that the men and women in the fire service have contributed through this country; and,

WHEREAS, the Lincolnton Fire Department responds to numerous calls for emergency service to address the needs of our citizens and visitors; and,

WHEREAS, the role of a firefighter today is one of dedication, commitment, sacrifice and willingness to put their lives on the line, serving as the first line of defense; and,

WHEREAS, firefighters continue to play an integral role in protecting health and wellbeing of our people, have provided critical and timely comfort, and support to those affected; and,

WHEREAS, over the past five years, firefighters had to face the life-threatening COVID-19 pandemic amongst other emergencies where they have again demonstrated their commitment to service above self in the face of increased health and safety risks.

NOW, THEREFORE I, Ed Hatley and the Lincolnton City Council, do hereby proclaim May 4, 2025 as:

FIREFIGHTER APPRECIATION DAY

throughout this community and urge all of Lincolnton to take a moment and recognize the heroic efforts put forth by our fire department each day.

Dated this 1st day of May, 2025

Ed Hatley, Mayor

ATTEST:

Daphne Ingram, City Clerk

Proclamation

56th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 4 - 10, 2025

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Ed Hatley, Mayor of Lincolnton, North Carolina, do recognize the week of May 4 through 10, 2025, as **Professional Municipal Clerks Week**, and further extend appreciation to our Professional Municipal Clerk, Daphne Ingram and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this _____ day of _____, 2025

Ed Hatley, Mayor

CITY COUNCIL

Ed L. Hatley, Mayor
Kevin Demeny, Mayor Pro Tem
Mark Johnson
Jill Tipton
Roby Jetton



CITY MANAGER

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**National Skilled Nursing Care Week
May 11 - 17, 2025**

WHEREAS, skilled nursing care centers throughout North Carolina will be celebrating National Skilled Nursing Care Week, beginning on Mother's Day, May 11th through May 17th, 2025. This year's theme, "**Tapestry of Life**," highlights the meaningful stories that make up each person's journey in skilled nursing care; and

WHEREAS, I urge all citizens to visit a loved one, family member or friend residing in a skilled nursing center and spend time participating in various activities to celebrate; and

WHEREAS, my administration is committed to quality health care, we take this moment to embrace the essence of the theme "**Tapestry of Life**." Let's join all skilled nursing care centers, their staff, volunteers, residents, their families and friends in celebrating this special week.

NOW, THEREFORE I, Ed Hatley, Mayor of the City of Lincolnton, do declare the week of **May 11TH to 17TH, 2025, as National Skilled Nursing Care Week**, a week to honor the vital role that skilled nursing care centers provide in caring for and protecting our most vulnerable citizens in our community.

Adopted this 1st day of May, 2025.

Ed Hatley, Mayor

ATTEST:

Daphne Ingram, City Clerk

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**PROCLAMATION
National Police Week 2025**

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Lincolnton Police Department; and

WHEREAS, since the first recorded death in 1786, there are currently more than 24,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including officers killed in 2024 and officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 37th Candlelight Vigil, on the evening of May 13, 2025; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be *observed* this year May 11th-17th; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

THEREFORE, BE IT RESOLVED that the Lincolnton City Council will observe **May 11-17, 2025, as National Police Week** in the City of Lincolnton, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted this 1st day of May, 2025.

Ed Hatley, Mayor

CITY COUNCIL

Ed L. Hatley, Mayor
Kevin Demeny, Mayor Pro Tem
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**National Public Works Week Proclamation
May 18-24, 2025
“People, Purpose, Presence”**

WHEREAS, public works professionals serve in their communities every day meeting the needs of people. It is what gives public works its sense of purpose. Focusing on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of North Carolina; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in North Carolina to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2025 marks the 65th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW THEREFORE, BE IT RESOLVED, I, **Mayor Ed Hatley**, do hereby designate the week May 18-24, 2025 as **National Public Works Week**; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed), at the Lincolnton City Hall, North Carolina this 1st day of May 2025.

Ed Hatley, Mayor

2024 - 2025
CITY OF LINCOLNTON
STUDENT ADVISORY COUNCIL

West Lincoln

Lucas Moretz – Senior
Seraphina Shutt - Senior
Adleigh Sutton – Senior
Cooper Boyles – Junior
Aynsley Howard – Junior
Abigail Barkley – Senior
Hallie Black - Senior

North Lincoln

Luke Haynes – Senior
Avery “Grant” Mullen – Senior
Peyton Schmidt – Senior
Estrella Nieto – Junior
Harold Garcia – Junior

Advisor – Jill Eaddy

East Lincoln

Ryan Walsh - Senior
Bailey Farabaugh - Senior
Mabel Clark - Senior
Kyrsten Ovaes Castilloux Turner - Senior
Caitlin Kane - Junior
Jack Unrath - Senior

Lincolnton

Campbell Barker - Senior
Kendria Bynum – Senior
Sarah Rhyne - Senior
Jake Tweed – Junior
Emily Morris – Senior
Rhyan Ingram - Junior

Lincoln Charter

Rohit Cala - Senior
Cheyenne Barbato

MEMO TO: City Council

FROM: Planning Staff

SUBJECT: ZTA-2-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: May 1, 2025

Background

Occasionally, minor errors in the text or changes in circumstances necessitate amendments to the Unified Development Ordinance (UDO). To enhance the UDO's enforceability and effectiveness, it is essential to modify, update, or add specific sections of the ordinance. Proposed changes are highlighted in yellow, while language intended for removal is indicated with a strikethrough. Below are the sections that require modification.

Proposed Amendment Sections: (see attached redlined/highlighted sheet for all changes)

§ 153.031 Definitions

Staff Comment: Adding title for subdivision exceptions. Made minor changes to definitions for major and minor subdivisions.

Proposed Amendment Section:

§ 153.382 Procedure for Review of Minor Subdivisions

Staff Comment: Reorganized the section to follow processes and simplified the wording.

Proposed Amendment Sections:

§ 153.384 Preliminary Major Subdivision Plat Submission and Review

Staff Comment: Reorganized the section to follow processes and simplified the wording.

Proposed Amendment Section:

§ 153.385 Final Subdivision Plat Submission and Review

Staff Comment: Reorganized the section to follow processes and simplified the wording.

Proposed Amendment Section:

§ 153.386 Planning Unit Developments (PUDs) and Planned Residential Developments (PRDs).

Staff Comment: Removed. These are now Conditional Districts.

Proposed Amendment Section:

§ 153.378 Waivers and Modifications.

Staff Comment: Removing (D) since the link will be invalid.

§ 153.031 DEFINITIONS OF SPECIFIC TERMS AND WORDS.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; ~~but the following shall not be included within this definition and is not subject to any regulations enacted pursuant to this chapter:~~

SUBDIVISION, EXCEPTION is not subject to subdivision regulations but is subject to plat review, zoning, and other regulations.

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown in its subdivision regulations;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city as shown in this chapter; and

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with interstate succession under G.S. Ch. 29.

SUBDIVISION, MAJOR. A subdivision where:

(1) New roads are proposed or rights-of-way are dedicated;

~~—(2) The entire tract to be subdivided is greater than ten acres; or~~

(3) More than ten lots are created after the subdivision is completed.

SUBDIVISION, MINOR. A subdivision where:

(1) No new roads are proposed or road rights-of-way dedicated; **and**

~~—(2) The entire tract to be subdivided is ten acres or less in size;~~

(3) Where ten or fewer lots will result after the subdivision is completed; ~~and~~ **or**

~~—(4) Subdivision of a tract or parcel of land in single ownership meeting the following criteria:~~

~~——1. The tract or parcel to be divided is not exempted under division (2) of the term **SUBDIVISION** above;~~

~~——2. No part of the tract or parcel to be divided has been divided under this division in the ten years prior to division;~~

- ~~—— 3. The entire area of the tract or parcel to be divided is greater than five acres;~~
- ~~—— 4. After division, no more than three lots result from the division; and~~
- ~~—— 5. After division, all resultant lots comply with all of the following:~~
 - ~~—— A. Any lot dimension size requirements of the applicable land use regulations, if any;~~
 - ~~—— B. The use of the lots is in conformity with the applicable zoning requirements, if any; and~~
 - ~~—— C. A permanent means of ingress and egress is recorded for each lot.~~

§ 153.382 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

~~—(A) Sketch plan for minor subdivisions:~~

~~—(1) This section shall apply to minor subdivisions only. For all minor subdivisions, a preliminary plat shall not be required. All subdivisions, however, shall require the submittal, approval and recordation in the Deeds Office of a final plat. Prior to submission of a final plat, the subdivider may submit to the Administrator two paper copies and a digital copy of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Administrator with the proposed development and to ensure that it is in compliance with all applicable regulations. While the submittal of a sketch plan is optional, it is suggested that the subdivider submit a plan in order to familiarize the Administrator of the proposed development and, upon review, notify the subdivider of any likely problems with the proposed development.~~

~~—(2) The sketch plan should contain the following information:~~

~~—(a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways;~~

~~—(b) The boundaries of the lot(s) to be subdivided;~~

~~—(c) The tax map number(s) of the lots(s) to be subdivided;~~

~~—(d) The total acreage to be subdivided;~~

~~—(e) The existing street layout and right-of-way width;~~

~~—(f) The name of the proposed subdivision; and~~

~~—(g) The zoning classification of the property to be subdivided and of adjacent properties, if applicable.~~

~~—(3) The Administrator shall review the sketch plan for general compliance with the requirements of these regulations and any applicable zoning regulations. The Administrator shall advise the subdivider of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.~~

~~—(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.~~

~~—(3) The final plat shall be 18 inches by 24 inches in size and shall be at a scale of not less than one inch equals 100 feet, unless each lot in the proposed subdivision is more than three acres. In that case, the scale shall not be less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.~~

~~—(4) Submission of the final plat shall be accompanied by a nonrefundable filing fee in accordance with a fee schedule most recently adopted by the City Council. The fee and the required number of final plats must be submitted to the Administrator.~~

~~—(5) The following signed certificates shall appear on all copies of the final plat submitted to the Administrator.~~

~~—(a) *Certificate of Ownership and Dedication.*~~

~~Certificate of Ownership And Dedication~~

~~I hereby certify that I am the owner of the property shown and described hereon, which is located in the planning jurisdiction of the City of Lincoln and that I hereby adopt this plan of subdivision with my free consent and establish minimum lot size and building setback lines as noted.~~

~~_____~~
~~_____~~
~~Owner Date~~

~~—(b) *Certificate of Survey and Accuracy.*~~

~~Certificate of Survey and Accuracy~~

~~On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded date shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map that were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information.~~

~~—(c) *Certificate.* The certificate shall take the following general form:~~

~~—STATE OF NORTH CAROLINA—LINCOLN COUNTY~~

~~I, _____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) an actual survey made under my supervision (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1:_____, (that the boundaries not surveyed are shown as broken lines plotted from information found in~~

Book _____, Page _____); that this map was prepared in accordance with G.S. § 47-30, as amended.

Witness my hand and seal this _____ day of _____, A.D. 20_____.

Registered Land Surveyor

OFFICIAL SEAL

Registration Number

I (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____, 20_____.

—OFFICIAL SEAL

Signature of Officer

—(C) *Approval of final plat.*

—(1) (a) Once the Administrator has received the required number of copies of the final plat, he or she shall either:

—1. Review the plat; or

—2. At his or her discretion, submit the plat to the Planning Board for its review and decision.

—(b) The Administrator shall have 21 days from the date of submittal to act upon a plat. Otherwise, the plat shall automatically be forwarded to the Planning Board.

—(c) The Planning Board shall have 31 days from the meeting date at which it reviewed the plat to:

—1. Approve the plat;

—2. Approve the plat with conditions;

—3. Approve the plat with modifications per § 153.378; or

—4. Disapprove the plat.

—(d) If the Planning Board does not take action within the 31-day period, the plat shall then automatically be transferred to the City Council for its review and decision.

—(2) If the final plat is not approved, the Administrator shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make changes as will bring the plat into compliance with the provision of these regulations and resubmit the

~~same for reconsideration. The subdivider shall have 21 days to resubmit the final plat to the Administrator without having to pay an additional filing fee. If a revised plat is not submitted within the period, any future submittal will require the payment of an additional filing fee.~~

~~—(3) If the final plat is approved, the approval shall be shown on each copy of the plat by the following signed certificate.~~

Certificate of Approval For Recording

~~I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Lincoln, North Carolina and that this plat has been approved by _____ on _____ for recordation in the Lincoln County Deeds Office.~~

~~Administrator _____ Date~~

~~City of Lincoln, North Carolina~~

~~—(4) If the final plat is disapproved, the reasons for the disapproval shall be stated in writing, specifying the provisions of these regulations with which the final plat does not comply. One copy of the reasons and one print of the plat shall be retained by the Administrator as part of the city's official records; a copy of the reasons and the remaining copies of the plat shall be transmitted to the subdivider.~~

~~—(5) If the final plat is approved, the subdivider shall be responsible for filing the approved final plat with the Deeds Office within 21 days of approval; otherwise, the approval shall be null and void.~~

This section shall apply to minor subdivisions only. For all minor subdivisions, a preliminary plat shall not be required. All subdivisions, however, shall require the submittal, approval, and recordation in the Deeds Office of a final plat.

A) Sketch Plan

1) Prior to submission of a final plat, the subdivider may submit to the Administrator two paper copies and a digital copy of a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Administrator with the proposed development and to ensure that it is in compliance with all applicable regulations. While the submittal of a sketch plan is optional, it is suggested that the subdivider submit a plan in order to familiarize the Administrator of the proposed development and, upon review, notify the subdivider of any likely problems with the proposed development.

2) The sketch plan should contain the following information:

- a) A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
 - b) The boundaries of the lot(s) to be subdivided;
 - c) The tax map number(s) of the lots(s) to be subdivided;
 - d) The total acreage to be subdivided;
 - e) The existing street layout and right-of-way width;
 - f) The name of the proposed subdivision; and
 - g) The zoning classification of the property to be subdivided and of adjacent properties, if applicable.
- 3) The Administrator shall review the sketch plan for general compliance with the requirements of the subdivision regulations and any applicable zoning regulations. The Administrator shall advise the subdivider of the regulations pertaining to the proposed subdivision and the procedures to be followed in preparing and submitting the final plat.

B) Application

- 1) To be considered a valid submission, all the following are required to be submitted to the Administrator for review:
 - a) Completed application;
 - b) Nonrefundable submittal fee in accordance with the City Council's most recently adopted fee schedule;
 - c) Three paper copies, a digital copy, and one mylar of the final plat, which contains all the information required by § 153.387 and meet the following requirements:
 1. Prepared by a registered land surveyor currently licensed and registered in the state by the State Board of Registration for Professional Engineers and Land Surveyors. 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. Material and drawing medium for the reproducible copy 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.

3. The final plat shall be 18 inches by 24 inches in size and shall be at a scale of not less than one inch equals 100 feet, unless each lot in the proposed subdivision is more than three acres. In that case, the scale shall not be less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

C) Review.

- 1) Once the Administrator has received a valid submission, he or she shall either:
 - a) Review the plat; or
 - b) At his or her discretion, submit the plat to the Planning Board for its review and decision.
- 2) The Administrator shall have 21 days from the date of the submittal to act upon a plat. Otherwise, the plat shall automatically be forwarded to the Planning Board.
- 3) The Planning Board shall have 31 days from the meeting date at which it reviewed the plat to either:
 - a) Approve the plat;
 - b) Approve the plat with conditions;
 - c) Approve the plat with modifications per § 153.378; or
 - d) Disapprove the plat.
- 4) If the Planning Board does not take action within the 31-day period, the plat shall then automatically be transferred to the City Council for its review and decision.
- 5) If the final plat is not approved, the Administrator shall instruct the subdivider concerning the resubmission of a revised plat, and the subdivider may make the changes that will bring the plat into compliance with these regulations. The Administrator shall retain at least one copy of any disapproved plat along with the reasons for disapproval as part of the city's official records. A copy of the reasons shall also be transmitted to the subdivider.
 - a) The subdivider has 21 days from the date of the denial to resubmit the plat for approval.
 - b) If a revised plat is not submitted within the period, any future resubmittal of the plat will require the payment of an additional non-refundable fee.
 - c) After the third review, each additional submittal will require an additional non-refundable fee, in accordance with a fee schedule most recently adopted by the City Council.

- 6) If the final plat is approved, the Administrator shall send a notice of approval to the subdivider. The approval shall be shown on the reproducible copy of the plat and include all required certificates. The subdivider shall have 21 days from the date of final approval to have the plat recorded in the Deeds Office. Otherwise, the approved final plat shall be null and void.

(Prior UDO, § 17.12) (Ord. O-5-23, passed 4-6-2023; Ord. O-1-2024, passed 1-4-2024)
Penalty, see § [153.999](#)

§ 153.384 PRELIMINARY MAJOR SUBDIVISION PLAT SUBMISSION AND REVIEW.

~~—(A) Preliminary and final plat approval shall be required for all major subdivisions. Preliminary plat approval of all major subdivisions containing 250 lots or less may be made by the Planning Board. Final approval of all preliminary plats containing over 250 lots or subdivisions that require the placement of oversized utility lines may only be made by the City Council.~~

~~—(B) Regardless of the number of proposed lots, all preliminary plats shall first be reviewed by the Subdivision Technical Review Committee (TRC) prior to submittal to the Planning Board, and, where necessary, to the City Council.~~

~~—(C) All preliminary plats submitted for review shall be accompanied by a nonrefundable submittal fee in accordance with the most City Council's most recently adopted fee schedule.~~

~~—(D) Preliminary plats shall meet the specifications of § 153.387 of these regulations.~~

~~—(E) At least eight complete paper copies and one digital copy of the preliminary plat shall be submitted to the Administrator with one of these copies being on reproducible material. The remaining copies shall be considered complete if they contain all of the information required by § 153.387 of these regulations and if the required submittal fee has been paid.~~

~~—(F) Twenty one days prior to the TRC meeting at which the plat is to be discussed and reviewed, the TRC shall use this 21-day period to review the plat and submit its recommendations to the Planning Board. If this period elapses with no comments from the TRC, the plat shall then be automatically transferred to the Planning Board for their review.~~

~~—(G) (1) The Planning Board shall have 31 days from the meeting date at which the plat was reviewed to:~~

~~——(a) Approve the plat;~~

~~——(b) Approve the plat with conditions;~~

~~——(c) Approve the plat with modifications per § 153.378;~~

~~——(d) Disapprove the plat; and/or~~

~~——(e) Make a recommendation to the City Council on a plat containing over 250 lots.~~

~~——(2) If no recommendation or decision is made during the 31-day period, the plat shall automatically be submitted to the City Council for their final decision.~~

~~—(H) If the preliminary plat is disapproved, the Administrator shall instruct the subdivider concerning the resubmission of a revised plat and the subdivider may make the changes as will bring the plat into compliance with these regulations. The subdivider shall have 60 days from the date of the denial to resubmit the plat for approval. If a~~

~~revised plat is not submitted within the period, any future resubmittal will require the payment of an additional filing fee. If the revised plat is resubmitted within the 60-day period, a submission fee shall not again have to be repaid. The resubmitted revised plat shall be reviewed by the TRC, Planning Board and, if necessary, City Council, in the same manner as any other preliminary plat. The Administrator shall retain at least one copy of any disapproved plat along with the reasons for disapproval as part of the city's official records. A copy of the reasons and any remaining copies of the plat shall also be transmitted to the subdivider.~~

~~—(I) If the preliminary plat is approved, it shall be indicated on the reproducible copy of the plat and the copy shall be retained by the Administrator as part of the city's official records. Any remaining copies of the approved plat shall be transmitted to the subdivider. If the preliminary plat is approved with conditions, the conditions shall be noted on or attached to the reproducible copy of the plat and shall be retained by the Administrator as part of the city's official records. A copy of the conditions shall also be transmitted to the subdivider. Once these conditions are met, the plat shall be noted as approved on the reproducible copy. A copy of the approved plat shall then be transmitted to the subdivider. Unless otherwise specified in the terms of approval, the conditions shall have been complied with by the subdivider within 12 months of the date of the conditional approval; otherwise, approval of the preliminary plat shall be null and void.~~

(A) Application.

- 1) All preliminary plats shall first submit a sketch plan for review by the Subdivision Technical Review Committee (TRC) prior to submission to the Planning Board and, where necessary, to the City Council. For requirements, see § 153.383.
- 2) To be considered a valid submission for review, all of the following are required to be submitted to the Administrator by the posted application deadline:
 - a) Four paper copies and one digital copy of the preliminary plat meeting the specifications of § 153.387 of these regulations;
 - b) Completed application;
 - c) Nonrefundable fee in accordance with the City Council's most recently adopted fee schedule.

(B) Review.

- 1) Preliminary and final plat approval are required for all major subdivisions.
 - a) The Planning Board may approve preliminary plats containing 250 lots or less.
 - b) Only the City Council has the authority to grant final approval in any of the following situations:

1. Subdivisions containing over 250 lots;
 2. Subdivisions that require the placement of oversized utility lines;
 3. Subdivisions that require a dedication of land or fee in lieu of per 153.398 *Other Requirements*.
- 2) The Planning Board shall have 31 days from the meeting date at which the plat was reviewed to either:
- a) Approve the plat;
 - b) Approve the plat with conditions;
 - c) Approve the plat with modifications per § 153.378;
 - d) Disapprove the plat; and/or
 - e) Make a recommendation to the City Council on a plat containing over 250 lots.
- 3) If no recommendation or decision is made during the 31-day period, the plat shall automatically be submitted to the City Council for their final decision.
- 4) If the preliminary plat is not approved, the Administrator shall instruct the subdivider concerning the resubmission of a revised plat, and the subdivider may make the changes that will bring the plat into compliance with these regulations. The Administrator shall retain at least one copy of any disapproved plat along with the reasons for disapproval as part of the city's official records. A copy of the reasons shall also be transmitted to the subdivider.
- a) The subdivider has 21 days from the date of the denial to resubmit the plat for approval.
 - b) If a revised plat is not submitted within the period, any future resubmittal will require the payment of an additional non-refundable fee. The resubmitted revised plat shall be reviewed in the same manner as any other preliminary plat.
 - c) After the third review, each additional submittal will require an additional non-refundable filing fee, in accordance with a fee schedule most recently adopted by the City Council.
- 5) If the preliminary plat is approved, it shall be indicated on the reproducible copy of the plat, and the copy shall be retained by the Administrator as part of the

city's official records. A copy of the approved plat shall be transmitted to the subdivider.

6) If the preliminary plat is approved with conditions, the conditions shall be noted on or attached to the copy of the plat and shall be retained by the Administrator as part of the city's official records. A copy of the conditions shall also be transmitted to the subdivider. Once these conditions are met, the plat shall be noted as approved. A copy of the approved plat shall then be transmitted to the subdivider.

a) Unless otherwise specified in the terms of approval, the conditions shall have been complied with by the subdivider within 12 months of the date of the conditional approval; otherwise, approval of the preliminary plat shall be null and void.

7) Once the preliminary plat is approved, the subdivider may proceed with preparing the final plat and begin grading and installing the required improvements in accordance with the approved preliminary plat and the requirements of these regulations.

(C) Expiration.

a) The subdivider may request a time extension for up to 12 months for the preliminary plat from the administrator. The request must be submitted before the original plat expiration date. The administrator may grant no more than one extension.

b) The subdivider shall submit the final plat to the Administrator no later than 24 months after the preliminary plat's approval, unless a greater expiration date was granted originally in the preliminary plat approval. Otherwise, the preliminary plat's approval shall expire and become null and void.

Prior UDO, § 17.14) (Ord. O-04-21, passed - - ; Ord. O-5-23, passed 4-6-2023) Penalty, see § 153.999

§ 153.385 FINAL SUBDIVISION PLAT SUBMISSION AND REVIEW.

~~(A) Application. This section shall apply to both major and minor subdivisions.~~

~~—(B) Preparation of final plat and installation of improvements:~~

~~—(1) Upon approval of the preliminary plat, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of these regulations. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in these regulations or guaranteed their installation as provided herein. The final plat shall constitute only that portion of the preliminary plat that the subdivider proposes to record and develop at that time. The portion shall conform to all requirements of these regulations and shall depict the subdivision, or portion thereof, in substantially the same form and layout as that approved in the preliminary plat. Otherwise, the final plat may not be approved. Only that portion of the subdivision proposed for final plat approval and recordation in the Deeds Office shall be shown on the final plat.~~

~~—(2) The subdivider shall submit the final plat to the Administrator no later than 24 months after the approval of the preliminary plat, unless a greater time period was stipulated originally in the preliminary plat approval. Otherwise, approval of the preliminary plat shall expire and become null and void. A nonrefundable fee, in accordance with a fee schedule most recently adopted by the City Council, shall accompany each final plat submitted.~~

~~—(3) Notwithstanding, the subdivider may submit a request to the Administrator for a time extension for up to 12 months for the preliminary plat. The request must be submitted to the Administrator prior to the original plat expiration date. No more than one extension may be granted by the Administrator. The subdivider may submit a final plat for only a portion of the subdivision given preliminary plat approval. Any submission shall be accompanied by the applicable final plat submittal fee. The submission shall extend the expiration date for the remaining portion(s) of the subdivision for an additional 24 months past the date of the final plat approval.~~

~~—(C) Improvements guarantees:~~

~~—(1) Agreement and security required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the city may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the City Council, if all other requirements of these regulations are met. To secure this agreement, the subdivider shall provide to the City Council either one, or a combination of the following guarantees. The amount of the guarantee shall be equal to one and twenty-five one hundredths times the cost of installing all required improvements. All guarantees shall be subject to the approval of the City Council (based on recommendations from the city's Director of Public Works and Utilities) and shall be made payable to the city.~~

~~—— (a) Surety performance bond(s). The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in the state. The duration of the bond(s) shall be until a time as the improvements are accepted by the City Council.~~

~~—— (b) Cash or equivalent security:~~

~~—— 1. The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the city or in escrow with a financial institution designated as an official depository of the city.~~

~~—— 2. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider shall then file with the City Council an agreement between the financial institution and himself or herself guaranteeing the following:~~

~~—— a. The escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and~~

~~—— b. In case of a failure on the part of the subdivider to complete the improvements, the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the city the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the city any other instruments fully endorsed or otherwise made payable in full to the city.~~

~~—— (2) Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Council, pay all or any portion of the bond or escrow fund to the city up to the amount needed to complete the improvements based on the estimate by the Director of Public Works and Utilities. Upon payment, the City Council, in its discretion, may expend a portion of the funds, as it deems necessary to complete all or any portion of the required improvements. The city shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover the costs. The subdivider shall at all times bear the financial burden for the installation of all required improvements.~~

~~—— (3) Release of guarantee security. The City Council may authorize the City Manager to release a portion of any security posted as the improvements are completed and approved by the city. The funds shall then be released within ten days after the corresponding improvements have been so approved.~~

~~—— (D) Submission procedure:~~

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

~~—(2) One of these copies shall be on reproducible material; the remaining copies shall be black or blue line paper prints. The copies shall only be considered complete if they contain all of the information required by § 153.387 of these regulations.~~

~~—(3) The Administrator shall have the authority to review and approve any final plat except one that involves improvement guarantees as outlined in division (C) above of these regulations. The Administrator, at his or her discretion, may receive comment from the TRG and/or transmit a final plat to the Planning Board for their review and approval. The Planning Board shall have the authority to approve any final plat except one that involves improvement guarantees as outlined in division (C) above of these regulations. The Planning Board and City Council shall have the authority to approve a plat with modifications per § 153.378.~~

~~—(4) Material and drawing medium for the reproducible copy 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.~~

~~—(5) The final plat shall be 18 inches by 24 inches in size and shall be at a scale of not less than one inch equals 100 feet, unless each lot in the proposed subdivision is more than three acres. In that case, the scale shall not be less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.~~

~~—(6) (a) The Administrator shall have 21 days from the date at which the plat was submitted to:~~

~~———1. Approve the plat;~~

~~———2. Disapprove the plat; or~~

~~———3. Submit the final plat to the Planning Board for their review and decision.~~

~~———(b) If the Administrator takes none of these actions during the 21-day period, the plat shall automatically be submitted to the Planning Board for its review and decision.~~

~~—(7) If the final plat is disapproved, the Administrator shall instruct the subdivider concerning the resubmission of a revised plat and the subdivider may make changes as will bring the plat into compliance with these regulations. The subdivider shall have 21 days from the date of denial to resubmit his or her plat for approval.~~

~~—(8) If a revised plat is not submitted within the period, any future resubmittal of the plat will require the payment of an additional filing fee. The resubmitted revised plat shall be reviewed in the same manner as any other final major subdivision plat. The Administrator shall retain at least one copy of any disapproved plat along with the reasons for disapproval as part of the city's official records. A copy of the reasons and any remaining copies of the plat shall also be transmitted to the subdivider.~~

~~—(9) If the final plat is approved, the Administrator shall send a certified notice of the approval to the subdivider. The subdivider shall have 21 days from the date of final approval to have the plat recorded in the Deeds Office. Otherwise, the approved final plat shall be null and void.~~

~~—(10) If the final plat is approved, the approval shall be shown on the reproducible copy of the plat by the following signed certificate:~~

~~—(a) Certificate of Approval for Recording.~~

~~—Certificate of Approval for Recording~~

~~—I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Lincoln, North Carolina and that this plat has been approved by _____ on _____ for recording in the Lincoln County Deeds Office.~~

~~_____~~

~~—Administrator _____ Date~~

~~—City of Lincoln, North Carolina~~

~~—(b) Certificate of Ownership and Dedication.~~

~~—Certificate of Ownership and Dedication~~

~~—I hereby certify that I am the owner of the property shown and described hereon, which is located in the planning jurisdiction of the City of Lincoln and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewers to _____, all storm sewer systems to _____ and all water lines to _____.~~

~~_____~~

~~—Date _____ Owner~~

~~—(c) Certificate of Survey and Accuracy.~~

~~—1. In accordance with the Standards of Practice for Land Surveying in North Carolina:~~

~~—2. On the face of each map prepared for recordation for there shall appear a certificate acknowledged before an officer authorized to take acknowledgments and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map that were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information:~~

~~—3. The certificate shall take the following general form:~~

~~—Certificate of Survey and Accuracy~~

~~I, _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____, etc.) (Other); that the ratio of precision as calculated by latitudes and departure is 1: _____; (that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____; that this accordance with G.S. § 47-30, as amended. Witness my hand and seal this _____ day of _____ A.D. 20 _____.~~

~~_____~~

~~_____ Registered Land Surveyor~~

~~_____ OFFICIAL SEAL _____~~

~~_____ Registration Number~~

~~I, (officer authorized to take acknowledgments) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____, 20 _____.~~

~~_____~~

~~_____ Signature of Officer _____ OFFICIAL SEAL~~

~~(d) Certificate of Approval of the Design and Installation of Streets, Utilities and Other Required Improvements.~~

~~Certificate of Approval of the Design and Installation of Streets, Utilities and Other Required Improvements~~

~~I hereby certify that all streets, public utilities and other required improvements have been installed in an acceptable manner and according to North Carolina Department of Transportation specifications and standards in the _____ Subdivision or as otherwise provided for in these regulations, or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the City of Lincolnton has been received, and that the filing fee for this plat, in the amount of \$ _____ has been paid.~~

~~_____~~

~~_____ Administrator _____ Date~~

A) Preparation of Final Plat.

- 1) The subdivider shall submit the final plat to the Administrator no later than 24 months after the preliminary plat's approval, unless a greater expiration date was granted originally in the preliminary plat approval. Otherwise, the preliminary plat's approval shall expire and become null and void.

2) Prior to approval of a final plat, the subdivider shall have installed the improvements specified in these regulations or guaranteed their installation as provided herein.

3) If applicable, recorded maintenance agreements as determined by the TRC.

4) The final plat shall represent only the phase(s) of the approved preliminary plat that the subdivider proposes to record at that time. The phase shall conform to all requirements of these regulations, and must depict the subdivision, or portion thereof, in substantially the same form and layout as the approved preliminary plat. Otherwise, the final plat may not be approved.

a) For subsequent phases, the submission expiration date shall be extended for the subdivision's remaining phase(s) for an additional 24 months past the date of the final plat approval.

B) Application.

1) To be considered a valid submission for review, all the following are required to be submitted to the Administrator for review:

a) Completed application;

b) Nonrefundable submittal fee in accordance with the City Council's most recently adopted fee schedule;

c) Three paper copies, a digital copy, and one mylar of the final plat, which contains all the information required by § 153.387 and the following requirements:

1. Material and drawing medium for the reproducible copy shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the County Register of Deeds requirements.

2. The final plat shall be 18 inches by 24 inches in size and shall be at a scale of not less than one inch equals 100 feet, unless each lot in the proposed subdivision is more than three acres. In that case, the scale shall not be less than one inch equals 200 feet. Maps may be placed on more than one sheet with appropriate match lines.

d) If applicable:

1. Improvement Guarantee Agreement

2. Where a dedication of land is required, the dedication shall be shown on the final plat when submitted, and the submission shall include an executed general warranty deed conveying the dedicated land to the City.
3. Where the City Council approves a payment in lieu of dedication, the payment must be made before the final plat is signed and recorded.

C) Improvement Guarantees

- 1) In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the City may enter into an agreement with the subdivider in which the subdivider agrees to complete all required improvements.
- 2) Once the agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the City Council if all other requirements of these regulations are met. The amount of the guarantee shall be equal to one and twenty-five one-hundredths times the cost of installing all the required improvements.
- 3) All guarantees shall be subject to the approval of the City Council (based on recommendations from the City's Director of Public Works and Utilities) and shall be made payable to the City.
- 4) To secure this agreement, the subdivider shall provide the City Council with either one or a combination of the following guarantees.
 - a) *Surety performance bond(s)*. The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in the state. The duration of the bond(s) shall be until a time when the improvements are accepted by the City Council (See section (F) below).
 - b) *Cash or equivalent security*.
 1. The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution designated as the City's official depository.
 2. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider shall then file with the City Council an agreement

between the financial institution and himself or herself guaranteeing the following:

- a. The escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- b. In case of a failure on the part of the subdivider to complete the improvements, the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

5) *Default.* Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the City Council, pay all or any portion of the bond or escrow fund to the City up to the amount needed to complete the improvements based on the estimate by the Director of Public Works and Utilities. Upon payment, the City Council, in its discretion, may expend a portion of the funds, as it deems necessary to complete all or any portion of the required improvements. The City shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover the costs. The subdivider shall at all times bear the financial burden for the installation of all required improvements.

6) *Release of guaranteed security.* The City Council may authorize the City Manager to release a portion of any security posted as the improvements are completed and approved by the City, and once the required infrastructure as-builts have been provided to the City. The funds shall then be released within ten days after the corresponding improvements have been so approved.

E) *Review*

- 1) Only the City Council is authorized to approve plats that involve any of the following:

- a) Improvement guarantees as outlined in section (C) above of these regulations.
 - b) Oversized Improvements as outlined in § 153.398 (C) *Other Requirements*.
 - c) Dedication of land for and/or fees in lieu of as outlined in § 153.398 (D) *Other Requirements*.
- 2) The Administrator shall have the authority to review and approve any final plat other than those listed above. At his or her discretion, the Administrator may receive comment from the TRC and/or transmit a final plat to the Planning Board for their review and approval.
- 3) The Planning Board shall have the authority to approve any final plat other than those listed above.
- 4) The Planning Board and City Council have the authority to approve a plat with modifications per § 153.378.
- 5) The Administrator shall have 21 days from the date on which the plat was submitted to:
 - a) Approve the plat;
 - b) Disapprove the plat; or
 - c) Submit the final plat to the Planning Board for their review and decision.
- 6) If the Administrator takes none of these actions during the 21-day period, the plat shall automatically be submitted to the Planning Board for its review and decision.
- 7) If the final plat is not approved, the Administrator shall instruct the subdivider concerning the resubmission of a revised plat, and the subdivider may make the changes that will bring the plat into compliance with these regulations. The Administrator shall retain at least one copy of any disapproved plat along with the reasons for disapproval as part of the city's official records. A copy of the reasons shall also be transmitted to the subdivider.
 - a) The subdivider has 21 days from the date of the denial to resubmit the plat for approval.
 - b) If a revised plat is not submitted within the period, any future resubmittal of the plat will require the payment of an additional non-refundable fee. The resubmitted revised plat shall be reviewed in the same manner as any other final major subdivision plat.

c) After the third review, each additional submittal will require an additional non-refundable fee, in accordance with a fee schedule most recently adopted by the City Council.

8) If the final plat is approved, the Administrator shall send a notice of approval to the subdivider. The approval shall be shown on the reproducible copy of the plat and include all required certificates. The subdivider shall have 21 days from the date of final approval to have the plat recorded in the Deeds Office. Otherwise, the approved final plat shall be null and void.

F) Effect of plat approval on dedications. Per G.S. 160D-806

1) The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any governing board may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Unless a city, county, or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city or county shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require dedication of water systems or facilities as a condition for subdivision approval.

(Prior UDO, § 17.15) (Ord. O-1-2024, passed 1-4-2024) Penalty, see § 153.999

~~§ 153.386 PLANNING UNIT DEVELOPMENTS (PUDs) AND PLANNED RESIDENTIAL DEVELOPMENTS (PRDs).~~

~~—(A) To accommodate the difference between traditional lot-by-lot subdivisions and PUDs/PRDs, the city may waive or modify the design standards of these regulations and incorporate design standards applicable only to planned developments as set forth in §§ 153.123 through 153.127 of this chapter. The waivers or modifications shall not be subject to the approval procedures outlined in § 153.378 of these regulations. To be reviewed under the PRD/PUD procedures a development must meet the criteria set forth in §§ 153.123 or 153.124 of this chapter.~~

~~—(B) The subdivision design standards may be waived or modified for PRDs provided that the intent of these regulations is not mollified or lessened and provided that sufficient proof is given substantiating the adequacy of the attentive design. Planned unit developments and planned residential development shall follow the review procedures and development standards as set forth in §§ 153.123 through 153.127 of this chapter.~~

~~—(C) All PRDs/PUDs shall be considered major subdivisions and shall follow all applicable procedures set forth for the approval of the subdivisions. The subdivision approval process may occur at the same time with the PRD/PUD approval process.~~

~~—(D) The Planning Board, Committee and Administrator shall coordinate their review and advisory efforts wherever feasible in order to limit any unnecessary delays.~~

~~(Prior UDO, § 17.16) (Ord. O-04-21, passed --) Penalty, see § 153.999~~

§ 153.378 WAIVERS AND MODIFICATIONS.

(A) The Planning Board or City Council shall have the authority to waive or modify the terms of this chapter as the terms apply to the plat approval process on a case-by-case basis after having first held a public hearing and having found in the affirmative each of the following findings:

(1) There are special circumstances or conditions affecting the property so that the strict application of the provisions of this chapter would deprive the subdivider of the reasonable use of his or her land;

(2) The modification is necessary for the preservation of a substantial property right of the petitioner;

(3) The circumstances giving rise to the need for the modification are peculiar to the subdivision and are not generally characteristic of other subdivisions; and

(4) The granting of the modification will not be detrimental to the public's health, safety and welfare or injurious to other properties in close proximity to the subdivision site.

(B) Notice of the public hearing shall be provided in the following manner:

(1) The city shall send notice by first class mail to the applicant and to owners of all contiguous pieces of property at least ten working days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place where it is to occur;

(2) Notice shall also be posted by the city in a conspicuous location in the City Hall at least ten working days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place where it is to occur; and

(3) A conspicuous sign shall also be posted by the city in a conspicuous location on the subject property at least ten working days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place where it is to occur.

(C) The public hearings can be held at the same time as the meeting at which the Planning Board or City Council holds to consider plat approval. The decision to issue a waiver or modification on a plat may only be made by that body given the authority to approve the plat. If the Planning Board makes the decision, the City Council shall have no authority to override or modify the Planning Board's decision.

~~—(D) Waivers and modifications, as called for in § 153.386, shall not be subject the requirements of this section.~~

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

Case No. ZTA-2-2025

Applicant: City of Lincolnnton Planning Department

Request: ZTA-2-2025 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

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

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

Planning Board Vote

6-0 in favor of approval

Planning Board Recommendation:

Approve ZTA-2-2025

Motions:

Motion to approve

BA-05-25: Budget Amendment Writeup

General Fund:

Request to add \$394,891 to the General Fund. The main breakdown for this increase is from the following:

- 5 leased vehicles that are added to the City's capital assets per GASB 87 in the amount of \$196,051.
- Cybersecurity Grant in the amount of \$110,000.
- Investment Interest in the amount of \$50,484.
- NCLM-Interlocal Safety Grant for the Fire Department in the amount of \$4,568.91.

Water & Sewer Fund:

Request to add \$63,649 to the Water & Sewer Fund. The main breakdown for this increase is from the following:

- Investment Interest in the amount of \$30,410.
- NCDEQ_SEL-W-0057_01: State Emergency Loan 1st installment in the amount of \$25,000.

Electric Fund:

Request to add \$29,190 to the Electric Fund. The main breakdown for this increase is from the following:

- Investment Interest in the amount of \$20,371.

CITY COUNCIL

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

**CITY MANAGER**

Richard Haynes
rhaynes@lincolntonnc.org

CITY CLERK

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

CITY ATTORNEY

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

BA-05-25

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2025.

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

General Expense	\$	267,494
Police		5,257
Fire		8,594
Solid Waste		720
IT General Services		110,000
Planning/Zoning		1,050
Recreation		1,777
	\$	394,891

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

General: Prior Year Taxes	\$	2,231
SW: Rollout Fees		720
General: Grants - Other		114,569
General: Cemetery Lot Sales		4,800
PD: Officers Fees		375
PD: Misc. Revenue		4,882
P&Z: Zoning Department Fees		1,050
FD: Inspection Fees		4,025
Rec: Registration & Entry Fees		979
Rec: Rental Fees		298
General: Interest		50,484
General: Insurance Settlement		1,426
General: WEX-Fuel Rebates		1,028
Rec: Veterans Banner Project		500
General: Federal Equitable Deposits		11,474
Loan Proceeds		196,051
	\$	394,891

General Fund: NCLM-Fire Department Safety Grant, 23SLCGP-CyberGrant, Misc Revenues for the Parks & Recreation, Police, Fire, P&Z and Solid Waste departments, Hollybrook Cemetery sales, Interest income, Insurance/Repair Settlements from: (1) Gov't EEs Insurance-Maria Ellis hit City Police Car, (2)FEMA-Rail Trail Wind Damage/Fence, Wex fuel rebates, Enterprise Rentals-Lease Program GASB 87, Veteran Banners Project, & Federal Equity payments and Interest income.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changes as follows:

Powell Bill Construction/Other	\$	988
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Section 4: To amend the Powell Bill Fund, the revenues are to be changed as follows:

Investment Income	\$	988
	\$	988

Powell Bill Fund: Record interest income earned.

Section 5: To amend the Water and Sewer Fund, the expenditures are to be changes as follows:

Distribution and Collection	\$	35,893
Wastewater Treatment Plant		27,756
	\$	63,649

Section 6: To amend the Water and Sewer Fund, the revenues are to be changed as follows:

Investment Income	\$	30,410
Connection Charges		4,620
Other Operating Revenues		3,620
Other Financing Sources		25,000
	\$	63,649

Water and Sewer Fund: Carolina Elite Builder, & Delores Rhodes connection fees, FEMA Reimbursement, miscellaneous fees, NCDEQ SEL-W-0057-1st installment, and Interest income earned.

Section 7: To amend the Electric Fund, the expenditures are to be changes as follows:

Electric Operations	\$	29,190
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Section 8: To amend the Electric Fund, the revenues are to be changed as follows:

Investment Income	\$	20,371
Other Operating Revenue		8,819
	\$	29,190

Electric Fund: Interest income earned, Default Fees, and Utility receivables-Debt Setoff reimbursement.

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 \$ 488,718

Adopted this 1st day of May, 2025

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

POLICIES AND PROCEDURES

****Shelter, Gym & Concession Stand Only (Pool/Ball Fields/Parks Not Included)***

****NO ELECTRICAL OUTLETS OR WATER AVAILABLE****

- The Shelters can be rented from April through October of each year.
- Reservations may be made in-person Monday through Friday at the Lentz Gym from 9:00 a.m. – 5:00 p.m. **You may request a reservation date on our website that requires approval from Parks & Rec Staff. Once approved, you will have 48 hours to pay for your reservation in full (either online with a card via link sent to your registration e-mail OR in-office by cash or check).**
- Reservations for the shelter will be made for each year beginning with the first working day in January.
- Reservations will not be accepted by phone. Individuals interested in reserving the shelter may call to check availability, however; the shelter will remain on a first come, first serve basis. Shelter rental payments must be made, in full, at the time of **in-person** reservation **or within 48 hours of approval of online reservation request.**
- Shelter is open to all individuals and groups based on availability and payment of a designated fee. **Fee schedule on back.*
- Reservation applications must be signed by a person at least twenty-one years of age. The person signing the application will be responsible for the conduct of the group in compliance with the policies and procedures of the shelter.
- Sales of merchandise are prohibited. Exceptions may be made, with the approval of the Recreation Director, when the proceeds of such sales are to be used for charitable, educational, church, civic or cultural purposes.
- If Picnic Tables/Benches are moved, they must be moved back to original positions.
- You may tape signs, balloons, streamers, etc. to **TABLES ONLY!**
****DO NOT TAPE, STAPLE OR HANG ANYTHING, ANYWHERE ELSE IN THE FACILITY!***
- **ONLY GAS GRILLS ARE PERMITTED. NO CHARCOAL GRILLS ALLOWED. NO COOKING/GRILLING ALLOWED UNDERNEATH SHELTER!**
- **NO ALCOHOLIC BEVERAGES, FIREWORKS OR WEAPONS WILL BE ALLOWED ON THE PREMISES!! Bounce houses, of any kind, are also prohibited.**
- Any group not complying with the policies and procedures of the shelter could be denied future use of the facility.

- The Lincolnton Police Department has full authority to enforce all regulations pertaining to shelter and park use.
- The shelter can be reserved for whole day rentals only. Monday - Saturday will be reserved from 8:00 a.m. – 7:00 p.m.; Sunday from 3:00 p.m. – 7:00 p.m. only.

*****Renter must provide the Recreation Department with a specific time that they will be arriving at the shelter. The staff member will meet with them to ensure that the shelter is clean and reserved for their event only. If the renter is not present within 30 minutes of the designated time, we cannot ensure that the shelter will be ready for their use.***

- No vehicles are allowed to park in the grass areas around the shelters.
- In making the shelter and park available to the general public and specified groups, the City of Lincolnton, It's Officials and employees shall be held harmless and shall assume no responsibility or liability for any loss or damage which may occur upon the premises during use as governed by the foregoing policies and procedures.

Fee Schedule:

Facility Rental	Resident	Non-Resident
<i>Mon. - Sat. (8:00 a.m. - 7:00 p.m.)</i>	\$50.00	\$75.00
<i>Sunday - (3:00 p.m. - 7:00 p.m.)</i>	\$40.00	\$60.00

“Resident” is considered any person(s) living or owning property inside the City Limits of Lincolnton, N.C. Also, any City of Lincolnton staff or official will receive the “Resident” rate.

***All Facility Rental Fees for non-profit organizations will be staff fee only if the Facility is being used Monday – Friday. This will only apply to uses that do not include fees and/or charges. All organizations must be able to prove non-profit status.**

Cancellation/Refund Policy:

In order to receive a full refund, you must cancel at least 30 days prior to the date of your reservation. If your cancellation request falls within 30 days of your reservation date, you will not receive your money back. Any reservation made less than 30 days in advance is non-refundable.

7/01/2025

Park, Shelter, Gym and Concession Stand
FACILITY USE APPLICATION

NO ELECTRICAL OUTLETS / WATER AVAILABLE

The facility you are renting is designated for specific uses. In order to prevent any conflicts, it is necessary to describe the nature of the event prior to approval.

Lincolnton Parks and Recreation Department reserves the right to deny rentals based on the information provided; and to halt any event in progress that differs from the information listed below:

Facility: _____

General Purpose: *(Reunion, Birthday Party, Etc.)* _____

Will participants be charged a fee? _____ If yes, how much? _____

Will you be providing food/concessions? _____

If yes, will there be a charge? _____ If yes, how much? _____

**(The City of Lincolnton has all rights to concession sales on Park Property unless prior authorization is given.)*

Please describe the plans for the event: (Make certain to state anything that might seem out of the ordinary or extravagant. Examples might include: Live Animals, Fireworks, Amusement Rides, Concession Trailer, etc.) The City of Lincolnton reserves the right to require proof of insurance and/or security for certain events. **Please note that bounce houses, of any kind, are prohibited.**

***RESERVATION DATE:** _____

***SET UP TIME:** _____ ***END TIME:** _____

*** IF 30 MINUTES LATE, NO GUARANTEE OF SHELTER CLEANLINESS/EMPLOYEE HELP***

Name: _____
(Group or Individual)

Address: _____ City: _____ State: _____ Zip: _____

Cell Phone: _____ Alternate Phone: _____

****Refund Policy: Refunds are available only with a 30 day cancellation notice. Any reservation made less than 30 days in advance is non-refundable. Refunds will not be given due to weather (cold temperatures, rain, etc.)***

In making this facility available to the general public, the City of Lincolnton, the Recreation Commission, its Officials and its Employees shall be held harmless and shall assume no responsibility or liability for any loss or damage which may occur upon the premises of the building and/or grounds during the use of the premises as governed by the policies and procedures.

I have read the policies and procedures for the facility, and hereby agree to abide by these. I also assume responsibility to see that the facility is properly opened, operated and closed.

Signature: _____ Date: _____

Office Use Only

Facility Reserved: _____ Total Fee Due: _____ Fee Paid: _____

Date/Times To Be Used: _____ Date Application Received: _____

Parks Representative: _____ Date: _____

Approved By: _____ Date: _____