

The Mayor and City Council met in regular session on Thursday, September 2, 2021 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Ed Hatley called the Lincolnton Council meeting to order, pausing for a moment of silence. Mayor Hatley then called the Sons of the American Revolution forwarded to lead the Pledge of Allegiance. The following Council Members were in attendance:

WHITE EADDY POINSETTE

NOTE: *Councilman Roby Jetton WAS NOT in attendance*

Prior to action being taken, Mayor Hatley made a request to add Item #6c - Filing Fees to the regular agenda. Councilwoman POINSETTE made a motion to approve the *REGULAR AGENDA* as amended. Members voted 3-0 in favor of the motion.

Councilwoman WHITE made a motion approve the *CONSENT AGENDA* as follow:

- Approval of Minutes for the August 5, 2021 meeting
- R-13-21 - Resolution Approving Conveyance of Property
- C-10-21 - Contract for the Antique & Vintage Market Day event

(the aforementioned Resolution and Contract are attached and made an official part of these minutes)

PROCLAMATION FOR CONSTITUTION WEEK 2021

Mayor Ed Hatley called members of the Daughters of the American Revolution, who were accompanied by the Sons of the American Revolution, forward and presented the following proclamation:

PROCLAMATION Constitution Week 2021

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2021, marks the two hundred and thirty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public law 915 guarantees the issuing of a proclamation each year by the president of the United States of America designating September 17th through 23rd as Constitution Week,

NOW, THEREFORE, I, Ed Hatley, by virtue of the authority vested in me as Mayor of the City of Lincolnton do hereby proclaim the week of September 17th through 23rd as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lincolnton to be affixed this 2nd day of September the year of our Lord two thousand twenty-one.

Ms. Barbara Stevens gave brief comments on behalf of the Jacob Forney Chapter of the National Society Daughters of the American Revolution, thanking Mayor Hatley and the City Council for the proclamation and for recognizing the importance of the U.S. Constitution.

ADVANCED LAW ENFORCEMENT TRAINING CERTIFICATE

Mayor Ed Hatley called Police Chief Rodney Jordan and Sergeant Isaiah Matthews forward. Chief Jordan presented Sergeant Matthews a framed copy of the Advanced Law Enforcement Training Certificate he recently received. Chief Jordan explained the significance of achieving this goal, which is the highest award issued by the North Carolina Training and Standards Commission, and the amount of hard work and dedication it takes to get to this level. Sergeant Matthews expressed his thanks to City Council, Police Chief, City Manager and to the City of Lincolnton as a whole for the support officers receive.

PUBLIC HEARING

CZ-6-2021 - Application from Piedmont Companies Inc., requesting the rezoning of 0.75 acres of land from Central Business (CB) District to the Traditional Infill Development (TID) District. Applicant proposing to

construct eight (8) townhomes. Subject property consists of two lots, one located at 119 East Pine Street (Parcel ID 01117) and the second on the west side of North Academy Street approximately 90 feet North of the intersection of East Pine Street and North Academy Street (Parcel ID 89317)

Laura Elam, Planning Director, gave an overview of the request, giving details as to the specific location and the adjacent property uses. Mrs. Elam provided different street views of the site, referenced the request being consistent with the land use plan and gave an extensive list of staff review committee comments which included the construction of a sidewalk, screening and landscaping and buildings are to be constructed of brick that matches the color of Memorial Hall in accordance with the development agreement as amended June 3, 2021.

Mrs. Elam reported the Planning Boards recommendation being approval of the request subject to staff review committee comments being made conditions of approval. She also informed members of a letter received from the proposed builder regarding the brick color of the townhomes.

Mr. Craig Upshaw with Piedmont Companies was in attendance briefly addressed Council as the project manager and offered to answer any questions regarding the project. There was some discussion regarding the brick colors to be used. Councilman Eaddy expressed his desire to require that the brick color used match the brick color of the existing building.

Councilman EADDY made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilman EADDY made a motion to approve the request with the brick stipulation. Members voted 3-0 in favor of the motion.

CZ-7-2021

Application from Brandy White requesting a conditional district rezoning of 0.54 acres from the Planned Business (PB) District to the General Business (Conditional District) GB(CD) for the purpose of opening an auto sales lot. Subject property is located at 799 W. NC Highway 27 (Parcel ID 17410)

Laura Elam, Planning Director, reviewed the request before council. Mrs. Elam presented the details of, and purpose for the request. She explained that the Planning Board reviewed the request as appropriate for approval

subject to some minor staff review committee comments being made conditions of the approval, as well as approval of the statement of consistency.

Councilwoman WHITE made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion

Councilwoman POINSETTE made a motion to approve as recommended by the Planning Board. Members voted 3-0 in favor of the motion.

CZ-8-2021 -

Application from TrueCraft Properties, LLC requesting a conditional district rezoning of approximately eleven (11) acres from the Residential-25 (R-25) District to the General Business (Conditional District GB(CD) for the purpose of constructing a new office building for a construction company. The subject property is located on the south side of Bethel Church Road approximately 1.200 feet east of the intersection of Bethel Church Road and Maiden Highway (Portion of Parcel ID 16976)

Laura Elam, Planning Director, explained the request for conditional rezoning to members of city council. Mrs. Elam presented aerial and street views of the property, providing detailed information regarding the project. She informed Council of the applicants request to use the property for an 8,000 square foot office for a construction company. Mrs. Elam concluded stating Planning Board and staffs recommendation to approve request subject to - 1. staff review committee comments being made conditions of approval, 2. approval of the statement of consistency for approval of the rezoning request, 3. rezoning being effective upon receipt of written agreement from applicant and property owner with conditions of approval and 4. amendment of the Land Use Plan to show the property in the General Business Planning Area.

The applicant, Caleb Williams, was present, and gave a brief summary of the companies history and their desire to expand. He spoke to the intent and goal of the company to continue the positive image they currently exhibit. There was some discussion regarding screening that will be used.

Councilwoman POINSETTE made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion

Councilman EADDY made a motion to approve the request as recommend by the Planning Board. Members voted 3-0 in favor of the motion.

TIG-01-2021

Application from City Cellar for a Targeted Incentive Grant for building renovations to accommodate a wine bar/restaurant at 409 East Main Street

Laura Elam, Planning Director, presented an application from City Cellar for a Targeted Incentive Grant. Mrs. Elam confirmed the application being the first received for this new grant. She reviewed the project information, explaining the applicants proposed intentions for the requested funds, revealing the total project cost estimate as a little over \$150,000, with the grant request being \$50,000. In the absence of the applicant, Rhonda Hunter with LEDA addressed council regarding the applicants hard work and the success of the project. She expressed her appreciation to council for the program being in place.

Councilwoman POINSETTE made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilwoman WHITE made a motion to approve the request for a Targeted Incentive Grant. Members voted 3-0 in favor of the motion

Industrial Development Incentive Grant Agreement between the City of Lincolnton and Spantek

Mr. John Dancoff with the Lincoln Economic Development Association, came before council members representing an existing industry (Spantek) located at 352 N. Generals Blvd., Lincolnton. Mr. Dancoff explained what the company manufactures and the purpose for the grant request. He addressed Council, asking that council members adopt a resolution, which, upon adoption, will approve an incentive grant agreement between the City of Lincolnton and Spantek. He also explained this as a level 2 incentive and how this grant will help support increased production and equipment expansion at the current location. Resolution is as follows:

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH SPANTEK**

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

WHEREAS, Spantek, have developed plans for expansion of the manufacturing facility in the City of Lincoln; and

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

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

1. The Lincoln City Council hereby approves the City of Lincoln Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among City of Lincoln and Spantek.
2. The Mayor of the City of Lincoln and the Clerk to the Council are hereby authorized to sign all necessary documents on behalf of the City of Lincoln in order to effectuate this transaction.
3. This resolution shall become effective upon adoption.

Councilwoman Poinsette made a motion to close the Public Hearing. Members voted 3-0 in favor of the motion.

Councilwoman Poinsette made a motion to approve the Incentive Grant as outlined by Mr. Dancoff. Members voted 3-0 in favor of the motion.

BA-05-21

Budget Amendment to amend General Fund (forfeited assets related to seizure) and Special Revenue Fund (American Rescue Plan Act)

Pam McBryde, Finance Director, came before council to request a budget amendment as follows:

REGULAR MEETING - SEPTEMBER 2, 2021

BE IT ORDAINED by the Governing Board of the City of Lincoln, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2022.

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

General Expense	\$	2,820
	\$	2,820

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

Federal Equitable Deposits	\$	2,820
	\$	2,820

General Fund: Proportionate share from the US Drug Enforcement Administration for forfeited assets related to seizure date 10/14/2020.

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

American Rescue Plan Act	\$	144,706
	-	-
	\$	144,706

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

American Rescue Plan Act	\$	144,706
	\$	144,706

Special Revenue Fund: Additional funds received from the Federal Government in our first installment of the American Rescue Plan Act. Original amount projected was \$1,640,000.

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	\$	147,526
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Adopted this 2nd day of September, 2021

Attest:

Daphne Ingram
City Clerk

Edward L Hatley
Mayor

Councilwomen POINSETTE made a motion to approve the budget amendment as presented. Members voted 3-0 in favor of the motion

R-15-21
RESOLUTION OF SUPPORT REGARDING
COURTHOUSE RE-USE PROJECT

City Manager Ritchie Haynes presented the following resolution of support regarding the courthouse reuse project. Mr. Haynes noted this requested action resulting from the joint city/county meeting on the project. Mr. Haynes reported the City's cost being \$39,850.00

RESOLUTION OF SUPPORT

WHEREAS, the Lincoln County Board of Commissioners requested a proposal for technical assistance from Development Finance Initiative in July 2021 to attract a private development partner to a County-owned property, the soon-to-be vacated historic courthouse in downtown Lincolnton; and

WHEREAS, in anticipation of this project, the County has convened a working group comprised of key stakeholders to determine a vision for the project, including identification of desired uses, alignment with downtown's revitalization strategy, and a review of case studies of repurposed historic courthouses in other communities; and

WHEREAS, the Lincoln County Board of Commissioners did, at their August 16, 2021 meeting, approve the proposal for the UNC School of Government to provide full pre-development services on the courthouse reuse project for the historic building at a cost of \$79,700.00; and

WHEREAS, because the building has been an important asset to downtown Lincolnton's vitality, and both the County and City would like its future use to continue this trend, the Lincolnton City Council has verbally committed to assisting with the cost associated with the technical assistance from Development Finance Initiative.

NOW, THEREFORE, BE IT RESOLVED that the Lincolnton City Council supports the action of the Lincoln County Board of Commissioners in its decision to proceed with the re-use project and agree to pay 50% of the \$79,700.00 cost associated with the technical assistance from the Development Finance Initiative.

Councilman EADDY made a motion to adopt the Resolution of Support as presented. Members voted 3-0 in favor of the motion.

Consideration of using ARP funds for Voluntary Employee Vaccination Incentives

Tanya Osborne, Human Resources Director, presented a request to council members to consider implementation of a voluntary vaccination incentive program to all city employees. Mrs. Osborne stated that ARP funds can be used but specific guidelines must be followed, therefore the proposed program has been written to comply with those guidelines. She informed that the cost for both full-time and part-time employees would be approximately \$73,000.00. Some discussion was generated regarding those eligible and the timeline for getting the vaccination.

Councilman EADDY made a motion to approve ARP funds for Voluntary Employee Vaccination Incentives as presented. Members voted 3-0 in favor of the motion.

Manager's Report / Activity Update

City Manager Ritchie presented the Executive Report as follows:

		Executive Summary July 2021 Year-to-Date						
		2021-2022 Budget	2021-2022 YTD Activity	Budget Remaining	Variance %	2020-2021 Budget	2020-2021 YTD Activity	Variance Favorable / (Unfavorable)
Department								
Fund: 10 - General Fund								
Revenue		\$11,040,546.00	\$86,060.26	\$10,954,485.74	1%	\$12,480,504.59	(\$269,996.88)	\$356,057.14
Total Revenue:		\$11,040,546.00	\$86,060.26	\$10,954,485.74	1%	\$12,480,504.59	(\$269,996.88)	\$356,057.14
Expense								
4110-City Manager/Clerk		\$173,960.00	\$25,281.09	\$148,678.91		\$222,207.28	\$24,644.10	(\$636.99)
4120-Human Resources		\$334,015.00	\$22,356.50	\$311,658.50		\$303,425.72	\$30,454.30	\$8,097.80
4130-Finance		\$135,270.00	\$45,706.08	\$89,563.92		\$186,313.75	\$38,328.42	(\$7,377.66)
4280-General Expense		\$1,449,895.00	\$222,323.10	\$1,227,571.90		\$1,294,947.14	\$228,895.25	\$6,572.15
4285-General Debt Service		\$293,924.00	\$1,243.66	\$292,680.34		\$289,591.78	\$2,487.32	\$1,243.66
4310-Police		\$3,350,520.00	\$294,664.23	\$3,055,855.77		\$3,307,828.95	\$336,515.10	\$41,850.87
4340-Fire		\$2,217,589.00	\$208,750.06	\$2,008,838.94		\$2,924,181.00	\$186,470.77	(\$22,279.29)
4510-Public Works Administration		\$44,580.00	\$15,292.28	\$29,287.72		\$72,943.50	\$15,312.18	\$19.90
4520-Street and Maintenance		\$778,605.00	\$78,242.45	\$700,362.55		\$728,443.01	\$79,776.86	\$1,534.41
4530-Equipment Services		\$223,290.00	\$21,167.69	\$202,122.31		\$239,935.07	\$20,604.22	(\$563.47)
4710-Solid Waste		\$522,095.00	\$46,886.48	\$475,208.52		\$641,936.97	\$47,458.36	\$571.88
4910-Planning and Zoning		\$330,440.00	\$30,147.96	\$300,292.04		\$367,207.38	\$19,584.37	(\$10,563.59)
4930-Business & Community Dev.		\$123,200.00	\$5,366.58	\$117,833.42		\$115,343.33	\$16,576.66	\$11,210.08
6100-Recreation		\$1,063,163.00	\$77,419.99	\$985,743.01		\$974,987.59	\$99,709.02	\$22,289.03
Total Expense:		\$11,040,546.00	\$1,094,848.15	\$9,945,697.85	10%	\$11,669,292.47	\$1,146,816.93	\$51,968.78
Fund 10 Surplus (Deficit):			(\$1,008,787.89)				(\$1,416,813.81)	\$408,025.92
Fund: 20 - Boger City Fire District								
Revenue		\$985,000.00	\$0.00	\$985,000.00	0%	\$1,022,016.23	\$200,000.00	(\$200,000.00)
Total Revenue:		\$985,000.00	\$0.00	\$985,000.00	0%	\$1,022,016.23	\$200,000.00	(\$200,000.00)
Expense								
4340-Fire		\$985,000.00	\$75,606.61	\$909,393.39		\$1,022,016.23	\$34,686.11	(\$40,920.50)
Total Expense:		\$985,000.00	\$75,606.61	\$909,393.39	8%	\$1,022,016.23	\$34,686.11	(\$40,920.50)
Fund 20 Surplus (Deficit):			(\$75,606.61)				\$165,313.89	(\$240,920.50)
Fund: 61 - Water and Sewer Fund								
Revenue		\$8,475,950.00	\$633,055.94	\$7,842,894.06	7%	\$8,934,197.60	\$711,723.62	(\$78,667.68)
Total Revenue:		\$8,475,950.00	\$633,055.94	\$7,842,894.06	7%	\$8,934,197.60	\$711,723.62	(\$78,667.68)
Expense								
7100-Water Treatment		\$2,006,350.00	\$219,122.88	\$1,787,227.12		\$1,450,678.88	\$233,397.80	\$14,274.92
7110-Distribution & Collection		\$2,056,300.00	\$153,237.06	\$1,903,062.94		\$1,919,668.83	\$110,007.16	(\$43,229.90)
7120-Wastewater Treatment		\$1,931,597.00	\$96,820.14	\$1,834,776.86		\$1,579,745.99	\$96,509.49	(\$310.65)
7130-Water/Sewer Intangibles		\$2,481,703.00	\$149,336.89	\$2,332,366.11		\$3,984,103.90	\$93,927.34	(\$55,409.55)
Total Expense:		\$8,475,950.00	\$618,516.97	\$7,857,433.03	7%	\$8,934,197.60	\$533,841.79	(\$84,675.18)
Fund 61 Surplus (Deficit):			\$14,538.97				\$177,881.83	(\$163,342.86)
Fund: 63 - Electric Fund								
Revenue		\$7,797,350.00	\$642,286.13	\$7,155,063.87	8%	\$8,364,746.33	\$817,478.04	(\$175,191.91)
Total Revenue:		\$7,797,350.00	\$642,286.13	\$7,155,063.87	8%	\$8,364,746.33	\$817,478.04	(\$175,191.91)
Expense								
7200-Electric		\$7,797,350.00	\$165,579.17	\$7,631,770.83		\$8,364,746.33	\$741,902.31	\$576,323.14
Total Expense:		\$7,797,350.00	\$165,579.17	\$7,631,770.83	2%	\$8,364,746.33	\$741,902.31	\$576,323.14
Fund 63 Surplus (Deficit):			\$476,706.96				\$75,575.73	\$401,131.23
Total Surplus (Deficit):			(\$593,148.57)				(\$998,042.36)	\$404,893.79

REGULAR MEETING - SEPTEMBER 2, 2021

		Overtime Report					
		July 2021 compared to July 2020					
Fund:	Description:	FY2122		FY2021		Variance Favorable / (Unfavorable)	
		OT Hours:	Pay Amount:	OT Hours:	Pay Amount:	OT Hours:	Pay Amount:
Fund 10 - General	4110-City Manager/Clerk	0.00	\$0.00	24.75	\$777.46	24.75	\$777.46
	4120-Human Resources	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
	4130-Finance	3.00	\$86.85	0.00	\$0.00	(3.00)	(\$86.85)
	4310-Police	93.70	\$2,807.83	163.90	\$4,880.01	70.20	\$2,072.18
	4340-Fire	1,022.40	\$21,813.49	746.80	\$15,289.40	(275.60)	(\$6,524.09)
	4510-Public Works Administration	0.00	\$0.00	5.00	\$137.62	5.00	\$137.62
	4520-Street and Maintenance	34.00	\$783.16	66.00	\$1,734.80	32.00	\$951.64
	4530-Equipment Services	0.00	\$0.00	16.00	\$574.19	16.00	\$574.19
	4710-Solid Waste	47.50	\$1,199.89	57.00	\$1,431.10	9.50	\$231.21
	4910-Planning and Zoning	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
	4930-Business & Community Dev.	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
	6100-Recreation	64.75	\$1,894.43	2.00	\$62.99	(62.75)	(\$1,831.44)
	10 - General Fund Total:	1,265.35	\$28,585.65	1,081.45	\$24,887.57	(183.90)	(\$3,698.08)
Fund 20 - Boger City Fire District	4340-Fire	584.90	\$11,659.01	75.00	\$1,591.68	(509.90)	(\$10,067.33)
	20 - Boger City Fire District Total:	584.90	\$11,659.01	75.00	\$1,591.68	(509.90)	(\$10,067.33)
Fund 61 - Water and Sewer	7100-Water Treatment	154.00	\$3,610.49	202.00	\$5,136.70	48.00	\$1,526.21
	7110-Distribution & Collection	111.00	\$2,963.57	109.50	\$3,040.10	(1.50)	\$76.53
	7120-Wastewater Treatment	159.50	\$4,235.96	160.00	\$4,448.51	0.50	\$212.55
	61 - Water and Sewer Fund Total:	424.50	\$10,810.02	471.50	\$12,625.31	47.00	\$1,815.29
Fund 63 - Electric	7200-Electric	48.50	\$1,542.11	63.00	\$2,034.77	14.50	\$492.66
	63 - Electric Fund Total:	48.50	\$1,542.11	63.00	\$2,034.77	14.50	\$492.66
	Total Overtime:	2,323.25	52,596.79	1,690.95	41,139.33	(632.30)	(11,457.46)

Ritchie Haynes, City Manager, mentioned several dates and events happening in the city. He also spoke to the subject of code enforcement and the progress he feels has been made with the agreement with Lincoln County. He informed that he plans to provide a report each month to keep council updated on the status of the code violations. There was some discussion generated regarding several ongoing property violations and what is currently being done. In closing Mr. Haynes expressed his thanks and appreciation for city staff and all that they do to keep the city going.

Adoption of the 2020 Election Filing Fees

Addressing the one item that was added to the meeting agenda, Mayor Ed Hatley informed members that action was needed to set filing fees for the upcoming 2020 election. He reminded council of the current filing fees, \$48.00 for the Mayoral race and \$36.00 for a City Council Member.

Councilman EADDY made a motion to set the filing fees as specified. Members voted 3-0 in favor of the motion.

PUBLIC COMMENT: No public comment

NEWS MEDIA: No news media in attendance

ADJOURNMENT:

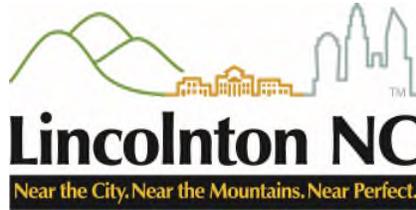
Councilwoman Poinsette made a motion to adjourn the meeting. Members voted 3-0 in favor of the motion.

Daphne Ingram
City Clerk

Ed Hatley
Mayor

CITY COUNCIL

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



CITY MANAGER

Ritchie Haynes
rhaynes@lincolntonnc.org
CITY CLERK
Daphne Ingram
[dingram@lincolntonnc.org](mailto:d Ingram@lincolntonnc.org)
CITY ATTORNEY
Thomas J. Wilson, Jr.

R-13-21

**Resolution Approving Conveyance of Property to
Another Unit of Government in North Carolina
Pursuant to G.S. 160A-274**

WHEREAS, the City of Lincolnton owns a 40ft aluminum flag pole; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Lincolnton has determined that it is in the best interest of the City to convey said flag pole to Lincolnton High School, and deems it wise to do so for no consideration.

THEREFORE, THE LINCOLNTON CITY COUNCIL RESOLVES THAT:

1. The City of Lincolnton hereby conveys to Lincolnton High School the following property: 40ft. Aluminum Flag Pole
2. The property herein described shall be conveyed for no consideration.
3. The city manager is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this the 2nd day of September, 2021

Seal

Ed Hatley, Mayor

Lincolnton Antique & Vintage Market Day 2021

CONTRACT

**STATE OF NORTH CAROLINA
COUNTY OF LINCOLN**

THIS CONTRACT AND AGREEMENT made and entered into on this the 2nd day of September 2021, 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);

W I T N E S S E T H:

The parties to this Contract hereby recite and declare that:

- a. Section 131.01 of the Code of Ordinances of the City of Lincolnton was so amended by the Lincolnton City Council at its regular meeting on April 4th, 2002 to allow the City to authorize and regulate the possession and consumption of malt beverages and unfortified wine on the public streets, alleys, and parking lots which have been temporarily closed to regular traffic for special events.
- b. The DDA is the sponsor, promoter, and operator of the event known as the “Lincolnton Antique & Vintage Market Day” event, which will be staged in downtown Lincolnton on Saturday October 9, 2021.
- 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 Antique & Vintage Market Day” event in downtown Lincolnton in 2021.

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

I.

That in accordance with and subject to the terms and conditions herein set forth, the DDA is authorized to administer the sale and sampling of malt beverages, unfortified wine and distilled spirits to the public at its “Lincolnton Antique & Vintage Market Day” event, scheduled to be held on Saturday September 9, 2021.

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 10 a.m. or after 4:00 p.m. on the day of the 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 Antique & Vintage Market Day" event. 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 Antique & Vintage Market Day" event. 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 Antique & Vintage Market Day" 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: _____
Tommy Huskey, Chairman

Attest:

Betty Flohr, Executive Director

CITY OF LINCOLNTON

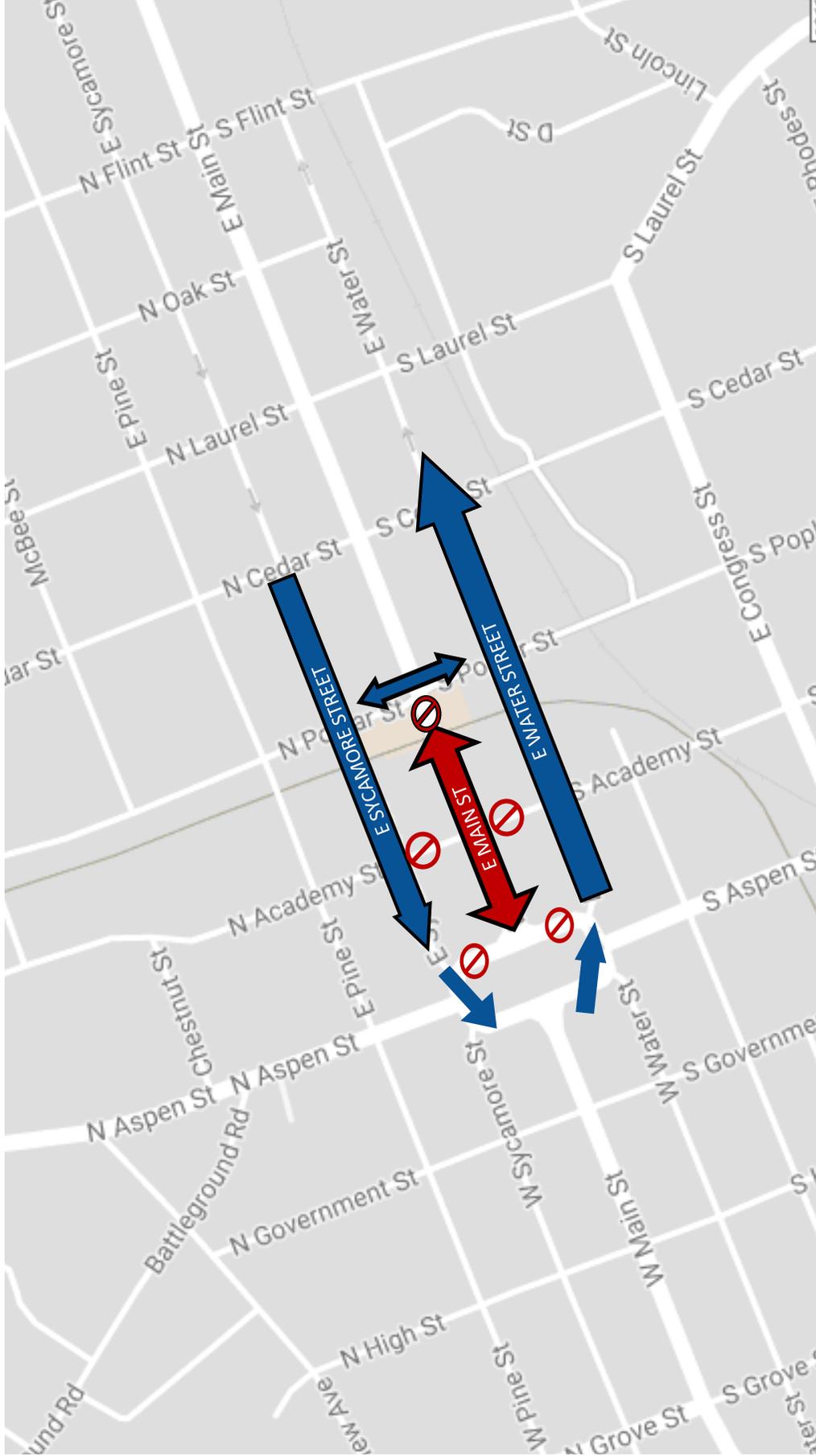
By: _____
Ed Hatley, Mayor

Attest:

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

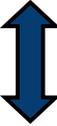
2021 Antique & Vintage Market Day

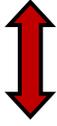
Saturday, 10/9/21, 10a-4p



Set-up Start: 7:00am
Break-down Finish: 6:00pm

 Barricades  HARD BLOCK

 Detour Routes

 Road Closure