

REGULAR MEETING - JANUARY 11, 2018

The Mayor and City Council met in regular session on Thursday, January 11, 2018 at 7:00 pm in the Council Chambers of City hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Hatley called the meeting to order. First United Church Boy Scouts – Troop 75 members Jake Bauer and Joby Rhyne led the Pledge of Allegiance.

Council members in attendance were:

SMITH BLACK EADDY JETTON

Councilman Eaddy made the motion unanimously approved the *REGULAR AGENDA*.

Councilman Black made the motion unanimously approved the *CONSENT AGENDA* as follows:

- Approved Minutes from the December 7, 2017 Regular Meeting
- Approved of Technical Corrections to the City's Charter; regarding changes made at the May 4th 2017 regular meeting. These changes are going before the General Assembly as technical corrections as City Council made no other amendments to the section (*Will be submitted at the conclusion of the January 11th meeting to the NC General Assembly*)

REGULAR AGENDA:

APPLICATION FROM BRIAN AND MARIE KENYON REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A TAP ROOM IN THE CENTRAL BUSINESS (CB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 118 E. WATER STREET (PARCEL 20281).

CUP-10-2017

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the request. Laura Elam, Planning Director, reviewed the request from Brian and Marie Kenyon for a conditional use permit to operate a tap room in the central business district. The subject property is located at 118 E. Water Street. The property and all surrounding properties are primarily zoned central business. Several properties located at the intersection of S. Academy Street and East Church Street are zoned residential-office. Laura said the subject property and all surrounding properties are used for commercial purposes.

Laura further reviewed the applicants compliance with Section 153.236 and 153.237 of the Unified Development Ordinance, for the proposed use. She noted the following staff review committee comments: (1) Building plans must be approved by Lincoln County Inspections (2) Coordinate electrical connection with Chris Wilson – City of Lincolnton

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Public Works (3) Coordinate water/sewer connection with Robert Pearson – Lincolnton Water Treatment (4) resurfacing or upgrading the front sidewalks/driveways is recommended. Any cost associated with upgrades would be the developer's responsibility (5) A grease trap may be required. If required, it must be approved by the pretreatment coordinator prior to development (6) Solid Waste pick up; the City would provide 6 roll outs. If additional solid waste pick up is needed, it would need to be provided by a private contractor. All recyclables must be handled via private contractor.

Laura concluded recommending approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and staff review committee comments bring met.

Brian and Marie Kenyon, the applicants, spoke to Council offering to answer any questions they may have regarding the request. Marie said she, her husband and three sons would be owners/operators of the tap room. They plan is to have craft brews from around the region and make it so that people can stay in the City and not have to travel to Asheville or other areas for craft brews. They are excited about the warm welcome they have received. They plan to do improvements to the building on both the front and back as well as the inside.

Councilman Jetton asked if they would utilize the parking space at the back of the building. They said they do plan to use that space. Councilman Jetton also questioned the hours of operation, Mr. Kenyon said they plan to open five days per week, Tuesday through Sunday from 12 noon to 7:00 pm or 8:00 pm. They may want to accommodate people for game days.

Steve Widdows spoke against the request. He said, "I detected a northern accent there, which probably means not from the Bible belt. Southern accent could be Bible belt." He expressed his opposition to a beer tavern and alcohol.

Alan Hoyle expressed his concerns about the Council Chambers not being large enough to hold last month's crowd, as over flow was in the lobby area. He felt speakers should be placed in the lobby area, and possibly a monitor for those who have to be in the lobby to view the meeting. He also spoke against a tavern coming to Lincolnton. He is against drinking, drinking and driving and he doesn't feel a tap room would create a family atmosphere, and could create family violence.

Having no others to speak to the request, Councilman Jetton made the motion unanimously approved to close the Public Hearing.

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Findings of Fact:

- (1) Councilman Eaddy made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Black made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (4) Councilman Black made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and would be in general conformity with the Lincolnton land Use Plan and other plans for the physical development of the City and as officially adopted by the City Council.

Councilman Eaddy made the motion to approve the request as recommended by the Planning Board and staff with the noted recommendations as stated above.

Councilman Eaddy made the motion unanimously approved to grant the conditional use permit.

APPLICATION FROM PETE AND APRIL DEGREGORY REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A TAVERN IN THE CENTRAL BUSINESS (CB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 110 E WATER STREET (PARCEL 20480).

CUP-11-2017

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the request. Laura Elam, Planning Director, reviewed the request from Pete and April DeGregory to operate a tavern in the central business district at the above said location. Laura said the properties surrounding the proposed location are primarily zoned central business. Several properties located at the intersection of S. Aspen Street and West Church Street are zoned Residential-Office. She said the subject properties are used for commercial purposes. She further reviewed the applicant's compliance with Section 153.237 of the Lincolnton Land Use Plan. The staff review committee comments were as follows: (1) Building plans must be approved by Lincoln County Inspections (2) Coordinate electrical connection with Chris Wilson – Lincolnton Public Works (3) Coordinate water/sewer connection with Robert Pearson, Lincolnton Water Treatment (4) Resurfacing or upgrading the front sidewalk was recommended, with any cost associated being the developers responsibility (5) A grease trap may be required. If required, it must be approved by the pretreatment coordinator prior to development (6) The City would provide

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six (6) roll outs for solid waste pick up. Any additional solid waste pick up would be provided by a private contractor. All recyclables must be handled via private contractor.

Laura concluded recommending on behalf of Planning Board and staff, approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and staff review committee comments.

Applicant Pete DeGregory spoke to Council, offering to answer any questions they may have. He said, "We plan to take a decaying building and convert it into a business which would be known as Tavern on the Square. We hope to have big screens and would have a game on for folks to watch. We hope within a year to have full kitchen but will have a light menu at first. We want to attract activity to downtown Lincolnton."

Councilman Eaddy questioned if he plans a Black Box Theatre. Mr. DeGregory said he would like to have something once a month but would need the help of the Theatre Guild to provide this. Pete said he has two shows in mind when he gets the business up and running.

Steve Widdows spoke against the request. He said he does not like taverns, and has no respect for taverns. He said people need to fear God. Putting the name of craft in front of a beer doesn't make it different from alcohol.

Matt Burton, spoke in favor of the request. He said, "I proudly support the opening of a tavern, and hopes if opened it would make Lincolnton a destination not a drive through. I myself do not drink but I love to eat, and I love good food. Lincolnton is going in a positive direction and I feel the opening of Tavern on the Square would only enhance our downtown."

Allan Hoyle spoke against the request, saying again that he does not like taverns. Those who are drinking will be held accountable. While he understands people wanting to have a good time, and he is not opposed to that, he does not like drinking and driving.

Darrell King spoke in favor of the request. He gave an overview of the term tavern and the uses. He provided history of a tavern and referenced the first taverns location in Lincolnton in the late 1700's. He encouraged Council to approve the conditional use permit to operate a tavern saying it would be a welcomed addition to our downtown.

Tommy Husky also spoke in favor of the request. He said about seventeen years ago he was involved with a group that helped bring a referendum for alcohol in Lincolnton. He does not feel there is a problem with drinking in Lincolnton. He feels most people are

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responsible adults, and hopes when apartments are built and people are living in downtown a tavern will be a great addition for our residents.

Having no others to speak to the public hearing, Councilman Black made the motion unanimously approved to close the Public Hearing.

Findings of Fact:

- (1) Councilman Black made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Jetton made the motion unanimously approved that that the use meets all required conditions and specifications.
- (3) Councilman Eaddy made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (4) Councilman Smith made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and would be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Black made the motion unanimously approved to approve the request with the noted staff review committee comments being met.

Councilman Black made the motion unanimously approved the conditional use permit as recommended by the Planning Board and staff.

CONSIDERATION OF NAMING THE SPLASH PAD AT FIRST FEDERAL PARK, IN MEMORY OF THE LATE DEVIN RHYNE, FORMER LINCOLNTON CITY COUNCIL MEMBER:

Mayor Hatley said, "This City Council has been through a lot of the past couple of years. I was trying to think of a way to honor one of our most influential members and that is Devin Rhyne. The best way that I can think of is to name the splash pad, located at First Federal Park, in memory of Devin. Devin worked tirelessly with First Federal to make the idea of this park a reality. I think that, in and of itself, speaks volumes of Devin. Therefore I would entertain a motion to name the splash pad at First Federal Park, the Devin Rhyne Splash Pad."

Councilman Eaddy made the motion unanimously approved to name the splash pad at First Federal Park after former Councilman Devin Rhyne as recommended by Mayor Hatley.

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Mayor Hatley said he would leave the design up to the City officials and would like to have this plaque erected at the splash pad prior to opening in the spring.

Councilman Eaddy said, "Councilman Rhyne served as our liaison to the Recreation Commission and knew it how important it was to have green space for our citizens. If it hadn't been for Devin, getting a preliminary design done, and helping with the numbers, I think it is absolutely imperative that we name the splash pad after him."

Recreation Director Nathan Eurey also presented Shelly and Joby Rhyne with a plaque that was unfortunately not presented to Devin before his passing. It read from "All staff, coaches and players we thank you for your service to the Lincolnton Recreation Commission." Shelly Rhyne thanked City Council very much for their thoughtfulness and recognition of her late husband and former Councilman.

CONSIDERATION OF APPROVAL OF AWARDING A COMMENDATION MEDAL – "LIFE SAVING MEDAL TO OFFICER THOMAS HALL FOR HIS HEROIC ACTIONS AND RECOGNITION BY CHIEF JORDAN FOR OFFICER HALL RECEIVING HIS INTERMEDIATE CERTIFICATE FOR LAW ENFORCEMENT:

Rodney Jordan, Police Chief, called Lincolnton Police Officer Thomas Hall forward to award the Life Saving Medal of Honor to him for his meritorious service while on duty August 25, 2016. The Chief along with members of the Lincolnton Police Department and family members of Officer Hall came forward for the presentation. The Chief said, "Officer Hall was responding to a call of an unresponsive male at the Walmart store on Generals Blvd. Officer Hall realized the man's airway was obstructed while trying to listen for a pulse. Officer Hall, with assistance from the store manager, rolled the victim on his side and continued with sternum rubs and diaphragm compressions until the subject's airway was finally cleared and normal breathing began." Chief Jordan said he had received a letter from Lt Seve Bridges of Lincoln County Emergency Services which stated, "The actions of Officer Hall were in my opinion the difference between the man living and dying." Based on LPD standard operating procedures and the command staff reviewing this case, it is appropriate to award this "Life Saving Medal" to Officer Hall for his service on August 25, 2016.

PRESENTATION OF THE 2017 AUDIT REPORT:

Phil Church and Carol Avery of Lowdermilk, Church and Co. presented Council with a cover letter summarizing the financial statements, and significant audit findings. He said the City received a clean unmodified opinion which is satisfactory to the Local Government Commission.

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Mr. Church reviewed the various funds, including totals for the General Fund (including Powell Bill Funds), the Fund Balance (without Powell Bill monies), the available Fund Balance, the Water and Sewer Fund, the Electric Fund and noted both the Lincolnton Tourism Development Authority Fund Balance and ABC Store balances. He also gave the totals for cash investments, noting the restricted cash totals as well. Phil said the City did a good job controlling their expenditures and did not have to use fund balance. Councilman Eaddy said, "That has not been the case in the past."

Phil reviewed the state average percentages for a municipality with an electric system and a population such as Lincolnton's. Lincolnton was well over the required minimum recommended by the Local Government Commission, which is eight percent of the general fund expenditures. After a thorough review he offered to answer any questions that Council may have and said he would be happy to come back at a later date and meet with Mayor and Council to discuss the audit further if necessary.

Councilman Eaddy made the motion unanimously approved to accept the audit as presented.

Councilman Jetton asked Mr. Church to tell him on a scale of one to ten how the City's financials rated. Mr. Church said the City is doing very well, above average.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LOWDERMILK, CHURCH & CO. FOR THE 2018 AUDIT:

(C-01-18)

Steve Zickefoose, City Manager, recommended that City Council enter into a contract for fiscal year 2018 for Lowdermilk Church & Co. to perform the audit.

Steve told Council that there has been no change to the price for the audit in some years and the proposed cost for 2018 would remain the same at \$ 25,300. He noted the audit contract is a single year approval contract, and he has been very happy with this auditing firms services. He said, "I have worked with several different auditing firms in my previous employment with the school system and I am very satisfied with the working relationship I have with this firm."

Councilman Eaddy made the motion to approve the audit contract for 2018 as recommended by the City Manager/Finance Director.

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CONSIDERATION OF BUDGET AMENDMENT TO INCLUDE; GRANT FOR BETTY ROSS PARK IN THE AMOUNT OF \$ 150,000 AND CONSOLIDATION OF BOTH THE MARCIA H. CLONINGER RAIL TRAIL FUND AND THE JULY 4TH COMMITTEE FUND INTO THE GENERAL FUND:

(BA-01-2018)

Steve Zickefoose, City Manager, requested Council approve the following budget amendment:

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, 2018.

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

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>GENERAL EXPENSE</u>		
10-00-4280-607	Marcia Cloninger Rail Trail Carryover	12,793.31	
10-00-4280-610	July 4th Carryover	14,010.90	
		-	-
	<u>PARKS AND RECREATION</u>		
10-80-6100-500	State Grant- Betty Ross Park	150,000.00	-
		-	-
		<u>176,804.21</u>	<u>0.00</u>

This will result in a net increase of \$ 176,804.21 expenditures of the General Fund. To balance the adjustments to the budget the following revenues have also been changed with a corresponding net effect.

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>ISSUANCE OF DEBT</u>		
10-00-3315-300	State Grants	150,000.00	0.00
	<u>APPROPRIATION FUND BALANCE</u>		
10-00-3991-900	Appropriation from Fund Balance (Carryover from 2016-17 accounts)	26,804.21	0.00
		<u>176,804.21</u>	<u>0.00</u>

Section 13: Copies of these budget amendments shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Director for their direction.

Adopted this 11th day of January, 2018.

Donna C. Flowers
City Clerk

Ed L. Hatley
Mayor

APPLICATION FROM DON HARTSOE FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS FOR EXPANSION OF LEDFORD FABRICS AND MORE AT 202 WEST PINE STREET:

BIG-1-2018

Laura Elam, Planning Director, reviewed the request from Don Hartsoe for a business incentive grant for building renovations for expansion of Ledford Fabrics and More at 202 West Pine Street.

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The use would include building renovations for expansion of the retail space of Ledford Fabrics into an area that is now storage space. The project would include installation of HVAC, new flooring and new lighting. The total project cost estimate is \$ 41,500 with an anticipated project start date of January with completion sometime in March 2018.

Councilman Jetton made the motion unanimously approved to award the grant of \$ 15,000 as recommended by the Planning Department and the Steering Committee for the renovations.

Councilman Eaddy said, "The incentive grant program is making a big difference for the City in assisting renovations and growth for our downtown."

CONSIDERATION OF PROPOSED RESTRUCTURING OF POSITIONS – AMENDING THE CITY’S LIST OF BUDGETED POSITIONS AND CLASSIFICATIONS:

Tanya Osborne, Human Resources Director, reviewed proposed changes to the City’s budgeted positions and classifications as follows:

“As part of your recommendations for the continued restructuring of city departments to enhance and improve services to the citizens, Council will need to consider the following changes to the Position Classification listing and Schedule of Budgeted Positions. Attached are revised lists which show the following:

1. Add (1) Administrative Support Assistant grade 9 to Parks & Recreation Department
2. Reclass Fire Department Part Time Administrative Support Assistant grade 9 to Full Time Administrative Support Assistant
3. Reclass Events & Facilities Coordinator from grade 13 to Community Relations Director grade 22 exempt position
4. Eliminate Business and Community Dev Coordinator grade 15 from Planning Department
5. Eliminate Admin Support Assistant grade 9 in Administration Department (CMO)

The above position changes will result in the number of full time budgeted positions remaining at 156, and it is anticipated there will be a slight overall net decrease in the salary line.

If Council approves the changes, I would ask the revised attached documents be effective January 23, 2018 which corresponds with the beginning of the next effective pay period.”

Councilman Smith questioned the cost of the proposed restructuring. Steve said there would be no additional cost with his proposal but would be a savings of \$ 10,000 to \$ 15,000 in the budget.

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Steve said, "We are going to take advantage of some skill sets and utilize the positions." Councilman Eaddy wanted to make sure we will continue website management. He mentioned the new app implemented by LTDA for a downtown guide. He also noted he likes the idea that citizens will no longer get a recording but will get a live person when they call City departments.

Councilman Black made the motion unanimously approved to amend the list of budgeted positions and pay classification as recommended by the City Manager.

CONSIDERATION OF DATES FOR THE CITY'S ANNUAL PLANNING RETREAT; POSSIBLY FRIDAY, MARCH 9TH OR FRIDAY, MARCH 23RD 2018:

Steve Zickefoose, City Manager, requested that Council consider a date for the annual planning retreat. He said it will only take a day, and we will focus on budget needs and discussion using the same format as last year, not departmental presentations. Steve said we are looking into holding the retreat at the LEDA conference room. The proposed start time was 8:30 am for either Friday, March 9th or Friday, March 23rd.

Councilman Smith made the motion unanimously approved to hold the retreat on Friday, March 23rd.

MONTHLY FINANCIAL/ OVERTIME REPORT:

Steve Zickefoose, City Manager

January 2018 Council Meeting
Executive Summary
November 2017 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	4,767,504	43%	10,662,262	4,801,497	(33,993)
	Fund Balance	785,301	-		1,366,107	-	-
		11,038,040	4,767,504		12,028,369	4,801,497	(33,993)
	City Manager/Clerk	333,365	183,278		309,730	128,656	54,622
	Human Resources	235,030	106,142		215,848	100,706	5,436
	Finance	279,012	241,847		273,609	239,574	2,272
	General Expense	809,520	483,970		878,154	416,912	67,058
	General Debt Service	463,524	26,666		425,535	30,012	(3,346)
	Police	3,344,770	1,274,494		3,153,942	1,307,263	(32,769)
	Fire	2,030,690	918,622		2,206,450	842,855	75,767
	Public Works	181,356	97,569		246,538	86,589	10,980
	Street	1,229,141	313,112		1,534,891	479,372	(166,260)
	Equipment Services	132,120	67,540		157,819	93,677	(26,137)
	Solid Waste	718,328	239,987		820,485	289,078	(49,090)
	General Services	-	-		212,559	90,317	(90,317)
	Plannin/Zoning	277,060	113,038		276,258	89,646	23,392
	Bus & Comm. Dev	132,454	20,090		160,693	54,360	(34,271)
	Recreation	871,670	472,229		1,155,858	281,217	191,012
	Expenses	11,038,040	4,558,583	41%	12,028,369	4,530,235	28,348
	Difference		208,921			271,262	(62,341)

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PUBLIC COMMENT:

Allan Hoyle spoke to Council requesting again that Council consider placing a monitor with speaker in the lobby area to accommodate overflow from the Council room. He is proud that we have Steve working for our City time and time again. He is doing a good job with managing the City and our money. He also mentioned December 7th and its significance. He ended telling Council they have made a law against the constitution, and

Mike Schrum spoke to Council about the local flag football team, 13 and 14 year olds, that were selected to go to the National Flag Football championship in Orlando Florida. They are the Lincolnton Panthers and he would like for Council to get behind them and support them. This is a once in a lifetime opportunity. He said, "These kids are from Lincolnton, they are our future and I think we should do everything we can to support them." He encouraged Mayor and Council to go to their go fund me page or to contact him with donations to help fund their trip. He praised Nathan Eurey, the Recreation Director, for having over three hundred kids in the program this year. The youth is sponsored fully by the NFL but the extended families that would like to go see them participate would be assisted by any funds raised.

Mayor Hatley reminded everyone in attendance about the upcoming celebrations planned for the Martin Luther King, Jr. holiday. There will be a celebration at Providence and at Tucker's Grove. He encouraged those in attendance to attend one or both of these events.

Councilman Smith took the opportunity to thank the City crews, Street Department and those working on broken pipes with these cold temperatures we've had lately. He said, "I appreciate all the hard work especially in this type of weather."

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilman Black made the motion unanimously approved to adjourn the meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR