

REGULAR MEETING - JUNE 1, 2017

The Mayor and City Council met in Regular Session on Thursday, June 1, 2017 at 7:00 p.m. in the Council Chambers of Lincolnton City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Ed Hatley Called the meeting to order and led the Pledge of Allegiance. The following Council members were present:

SMITH BLACK EADDY JETTON

Mayor Hatley said, "At the request of a Councilman, I would like to add one item, which would be to consider casual attire for Council members in the summer months, for City Council meetings. Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA, adding the above stated item.

Councilman Jetton made the motion unanimously approved the CONSENT AGENDA as follows:

- Approved meeting minutes as follows:
 - May 4, 2017 - Regular Meeting
 - May 15, 2017 - Special Meeting
- Approved the following Calls to Public Hearing for the June 29th City Council meeting:
 - CUP-3-17 - Application from Hugo Leiva Coto requesting a conditional use permit to operate a venue for parties and social events (Weddings, Baptisms, Birthday Parties, etc.) in the Planned Business (PB) District. The subject property is located within the Northgate Shopping Center at 129 Vandiver Drive (Parcel ID 21614)
- Approved **(C-09-17)** Contract between the City and Mark Knuckles Associates, Inc. for Annual Compliance Watch Consultation Services
- Approved **(C-10-17)** Service Contract between the City and the Lincolnton Housing Authority for Community Policing

- Approved disposal, in accordance with NCDCCR Records Retention Policy, of records within various City Departments.

NOTE:

Disposition can be arranged once confirmation is received from the NC Department of Cultural Resources in Raleigh, after approval from the governing body.

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REGULAR AGENDA

REQUEST FOR APPROVAL OF FOR PRESENTATION TO LPD OFFICER RICHARD HARRINGTON - "MEDAL OF VALOR" FOR HIS MERITORIOUS SERVICE WHILE ON DUTY JULY 26, 2011.

Rodney Jordan, Chief of Police, requested approval in accordance with the Lincolnton Police Department Standard Operating Procedures, from City Council to award Officer Richard Harrington the "Medal of Valor". Chief Jordan said while the incident that qualifies Officer Harrington for this award occurred sometime back in 2011, he sees no reason to wait further for presentation and recognition of his meritorious service.

Councilman Eaddy made the motion unanimously approved to extend the recognition, presenting the "Medal of Valor" to Officer Harrington.

Chief Jordan, Captain Greene, Officer Macano called on Officer Harrington to the front and officially presented him the "Medal of Valor" the second highest form of recognition within the department for his meritorious service on July 26, 2011.

Mayor Hatley thanked Officer Harrington for his efforts and his service. He said, "On behalf of City Council I would like to thank all the Police Officers for all they do for the City".

Councilman Jetton thanked the Police Department, especially patrol officer Travis Stines for assisting him with trouble he had this past week traveling home. Councilman Jetton, "Said he really helped me and my family, and I wanted to recognize him for that and thank the Police Department for all that they do."

ZTA-3-2017 - APPLICATION FROM THE LINCOLNTON PLANNING DEPARTMENT REQUESTING THAT SECTION 153.116 (C) OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED BUSINESS (PB) DISTRICT YARD REQUIREMENTS, BE AMENDED TO MODIFY LOT SIZE, LOT WIDTH, AND SETBACK STANDARDS.

(O-03-17)

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above stated request. Laura reviewed the proposed change to the

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unified development ordinance. She said two commercial zoning districts that tend to be predominant outside of the downtown area are the General Business (GB) and the Planned Business (PB) districts. She reviewed a chart that told the standards for both General Business and Planned Business.

Laura then proposed the following revised development standards:

Section 153.116 P-B Planned Business District

(c) Yard Requirements

- (1) Minimum lot size: ~~One-acre~~ None
- (2) Minimum front setback: ~~50~~ 40 feet (as measured from the edge of
the street right-of-way)
- (3) Minimum lot width: ~~100~~ 70 feet as measured at the
required
- (4) Minimum side setback: ~~30~~ Setback
10 feet, except 30 feet shall
be
required on all lots whose rear
yard
abuts any Residential (R)
district
- (5) Minimum rear setback: ~~30~~ 20 feet, except 30 feet
shall be
required on all lots whose rear
yard

abuts any Residential (R)

District

Laura concluded recommending approval on behalf of the Planning Board and Staff as stated above.

Councilman Smith questioned the reasoning for the change. Laura said we are trying to align our requirements and assist new developers with requirements. She said, "Cleaning up the ordinance is the best choice to help development in her opinion". Councilman Smith said he did not want to impose those requirements on those that are already established, he wants to protect the residents. He said, "I don't want to change the standards on them all of a sudden." Councilman Black said he understood it would not change the standards on current residents.

After further discussion, Councilman Black made the motion unanimously approved to close the Public Hearing.

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Councilman Smith made the motion unanimously approved to amend the ordinance as recommended by Planning Board and staff, with the side setback remaining at 30 feet where it abuts residential.

(O-04-17)

ZTA-4-2017 - APPLICATION FROM NEW VISION REQUESTING AN AMENDMENT TO SECTION 153 OF THE UNIFIED DEVELOPMENT ORDINANCE IN REGARDS TO SIGNS. THE PROPOSED AMENDMENT WOULD ALLOW FOR THE USE OF MULTI COLOR LED SIGNS IN ALL ZONING DISTRICTS EXCEPT CB AND CBT:

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. She said the City's sign regulations outline several types of prohibited signs. One type of prohibited sign currently in our ordinance is as follows::

“Flashing signs, or any signs with flashing or intermittent light, or lights or reflective devices of changing degree of intensity or color. Signs with devices which produce flashing light and signs which produce scrolled messages are prohibited, however, signs which give time and temperature are permitted, provided the messages are limited to only time/and or temperature. If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three seconds before switching to the other message.”

Laura said the prohibition against flashing, scrolling, and multi-color signs is to guard against signage that could tend to cause drivers to be distracted and to avoid some of the types of intense, commercial, neon signage that may be out of character in a small town setting.

She concluded saying, “Planning Board and staff do not see any particular benefit to opening up the City to flashing signs, digital signs with scrolling messages or multi-color LED message boards displaying changing screens and messages. That type of signage could be out of character in many locations throughout the City. For that reason, Planning Board and Staff do not recommend approval of this request.”

Laura did review three options for Councils consideration; (1) Approve the proposed amendment (2) Deny the proposed amendment (3) Approve a more

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limited amendment such as one in which multi-color, LED/digital changing message signs are allowed for churches located on lots of at least 10 acres in size and on which the sign is set back at least 30 feet from any abutting public road in zoning districts other than CB and CBT.

Pastor Scott Mann spoke in favor of the request. He said he is good with the option (3) as explained by Mrs. Elam, if Council would allow it. He does not want a flashing sign but he does want a color sign. He said their old sign is dilapidated and they need a new one and they are willing to put more money to make the sign pretty and colorful.

Councilman Eaddy expressed concerns that if Council makes this changes would that open the door for other citizens out there in the Central Business District. Laura said, "The Planning Board was concerned about opening up the can, and once you open it is hard to put the lid back on." Laura told Council if they wanted to explore different alternatives if Council so chooses.

After some discussion, Councilman Black made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved the request utilizing Option 3, as explained by the Planning Director.

APPLICATION FROM JAMES HUSS REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PAINTBALL FACILITY IN THE PLANNED BUSINESS (PB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT 1408 EAST MAIN STREET (PARCEL ID 22475)

CUP-2-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. The applicant is requesting a conditional use permit for a paintball facility at 1408 East Main Street, beside Wendy's Restaurant. The site was formerly a used car sales lot. The front portion of the site is developed with a small building, a garage and parking lot. The rear portion of the site is undeveloped and a Duke Power transmission line bisects the front portion of the site. Surrounding land uses are commercial.

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Laura further reviewed the applicant's compliance with Section 153.236 of the Lincoln Unified Development Ordinance, as well as other conditional use requirements and staff review committee comments. She concluded recommending, on behalf of Planning Board and staff, approval subject to the applicant providing sufficient evidence that the use will not have any negative impacts on the value of the adjoining or abutting properties and subject to staff review

committee comments, with an additional condition requiring the netting surrounding the play area to be no less than 15 feet in height and to include a top.

James Huss, the applicant, spoke in favor of the request. He said he would comply with a net on top of the space. He said his plans are to be on the backside of the property, near the railroad tracks, twenty five foot off the right-of-way.

Councilman Black asked about property values of adjoining property owners. Mr. Hus said his property value was \$ 211,000. Mr. Cain Leonard's property owns property on the other side of his property, but he did not feel it would affect Mr. Leonard's property value. Laura Elam said Mr. Leonard made it a point to tell her he has been marketing this site, but has not been able to make a sale at this point. Laura also said that the netting now that will be placed on top would address Mr. Leonard's concerns about paint balls coming over the fencing, as it would now have fencing on the top as well.

After further discussion, Councilman Jetton made the motion unanimously approved to close the Public Hearing.

Councilman Black made the motion unanimously approved to consider the conditional use permit.

Findings of Fact:

- (1) Councilman Eaddy made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Black made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Jetton 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.

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- (4) Councilman Eaddy made the motion unanimously approved that the location and character of the use, if developed according to plan as submitted and approved, would be in

harmony with the area in which it is to be located and will be in general conformity with the Lincoln 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 issue the conditional use permit as recommended by Planning Board and Staff, contingent upon the requirement from the Planning Board of an additional 15 feet in height including a top of netting be included as a stipulation with issuance.

PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED 2017 - 2018 FISCAL YEAR BUDGET:

NOTE: Action on this item, after closing the Public Hearing, includes adopting the Budget Ordinance (O-05-17) and 2017-18 schedule of fees (O-05-17)

Mayor Hatley opened the Public Hearing. Steve Zickefoose, City Manager, reviewed the proposed budget noting the total for the proposed budget as \$ 26,981,049.00. He reviewed the key points noting there was no tax increase, no increase in utility rates and no reduction in services in this budget.

Alan Hoyle spoke to Council regarding the budget. He said, "The public puts a lot of trust in their elected and unelected officials, and Mr. Zickefoose has been quoted in the paper saying "Do more with less". I have heard businesses say that we sell this product for less because we can. This money does belong to the public and we are eliminating debt and paying off things and I want to say with what I have seen and heard, with Mr. Zickefoose, we have found someone who has our best interest at heart. I want to thank him for this."

Councilman Black made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to adopt the budget as presented by the City Manager/Finance Director, which includes adopting the Budget Ordinance and Schedule of Fees as presented.

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CONSIDERATION OF AMENDMENTS TO THE CITY'S CODE OF ORDINANCE -CHAPTER 75: PARKING SCHEDULES :

(O-06-17)

Mayor Hatley opened the Public Hearing. Steve Zickefoose, City Manager, reviewed the proposed recommendation for the parking ordinance. (A complete copy of the changes will appear at the end of this document becoming a permanent part of these official minutes.)

Steve said the Parking Committee reviewed the request to lower the City wide speed limit to 25 mph rather than 35 mph and while the committee said there could be some places that the speed limit could be lowered, overall they felt the 35 mph speed limit was appropriate. He said specific areas could be reviewed in the future.

After questions from Council and some discussion among Council members several changes were noted and would be included with adoption of this proposed ordinance. (See Attached)

Councilman Black made the motion unanimously approved the proposed ordinance amendment, with the changes discussed tonight, to become effective upon adoption and enforceable when signage is erected and spaces are marked.

CITY OF LINCOLNTON - 2017- 2018 SALARY SCHEDULE / SCHEDULE OF BUDGETED POSITIONS :

(R-06-17)

Tanya Osborne, HR Director, requested Council approved the following resolution to adopt the salary schedule and schedule of budgeted positions.

WHEREAS, the proposed 2017-18 fiscal year budget has been prepared by the City Manager and presented to the Mayor and City Council; and

WHEREAS, the proposed 2017-18 fiscal year budget includes a recommended salary schedule and schedule of budgeted positions, with the following recommendations from the City Manager;

All City Clerical workers will be on a 37.5 hour workweek
Elimination of two (2) Solid Waste positions
And the Consolidation of two departments for efficiency

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NOW, THEREFORE, BE IT RESOLVED, that the City of Lincolnton adopts the “Salary Schedule”, and “Schedule of Budgeted Positions”, as attached to this resolution, for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Adopted this the first day of June 2017.

Councilman Black made the motion unanimously approved to adopt the resolution amending the salary schedule and schedule of budgeted positions as recommended.

CONSIDERATION OF A RESOLUTION TO REFINANCE THE 2001 AND 2003 WATER/SEWER BONDS :

(R-07-17)

Steve Zickefoose, City Manager, told Council that the City successfully refinanced the major portion, \$ 9,479,000.00, of the Water & Sewer Bond debt in 2015. The savings will total \$ 811,000 over the life of the loan through 2021.

He said “We currently have two smaller Water & Sewer bonds with a balance of \$ 4.6 million that are now eligible for refinancing. I have been working with First Tryon Advisors to determine the feasibility of doing this. Based on quotes received, the City can save approximately \$ 90,000 over the life of these loans.”

Steve presented a copy of the refunding consideration request sent to the Local Government Commission. He said the next step in the process to refinance the 2001 and 2003 Bonds would be for Council to approve a resolution to submit to the Local Government Commission reflecting the terms of the bond. Branch Banking and Trust was the low bidder at 2%. Savings are projected to be approximately \$ 90,000 or \$ 15,000 per year through 2023. He said if the resolution is approved tonight he would then submit to the Local Government Commission.

Councilman Smith made the motion unanimously approved to adopt the resolution and forward to the Local Government Commission to begin the refinancing process.

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PROPOSED AMENDMENT TO THE CITY'S PERSONNEL POLICY - ARTICLES VI SECTION 1 HOLIDAYS; ARTICLE IV SECTION 10 - OVERTIME; ARTICLE IV SECTION IV 14 - ON-CALL PAY; ARTICLE IV SECTION 15 - CALL BACK COMPENSATION AND ADMINISTRATIVE POLICY # 3 - CHRISTMAS BONUS AND # 11 - LONGEVITY PAY PLAN : (P-05-17)

Tanya Osborne, HR Director, reviewed several proposed changes to the City's Personnel Policy and Administrative Policy. The revisions included; Personnel Policy

Article VI - Section 1 - Holidays; adding a third day for the Christmas holiday schedule. This allows us to be in line with the State and other agencies for holiday closings. And a language change; "When a designated holiday falls on Saturday, the preceding Friday will be observed and the holiday falls on a Sunday, the following Monday will be observed.

Article IV - Section 10 - Overtime - language change; (5) When a holiday occurs, holiday hours will be counted towards regular hours worked. If actual worked and holiday hours combined exceed the assigned work period (as established in sub-section B 1 & 2), the overtime rate will apply to the excess hours.

Article IV - Section 14 - On-Call Pay - (On File in Human Resources)

Article IV - Section 15 - Call Back Compensation - Callback provisions do not apply to previously scheduled overtime work or employees who are called to work while serving in an On-Call capacity.

Administrative Policy - # 3 - Christmas Bonus - Changing the name from Christmas Bonus to Service Supplement

11 - Longevity Pay Plan - (On file in the Human Resources Department)

Upon review, Tanya recommended Council consider approval of the City Manager's recommended changes to be implemented July 1st. Councilman Eaddy said he appreciates the Human Resources Director and the City Managers efforts to make the working conditions better for City employees.

Councilman Eaddy made the motion unanimously approved to adopt the changes as presented and recommended.

Councilman Jetton made the motion unanimously approved to adopt the Administrative Policy changes as presented and approved.

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CONSIDERATION OF CONTRACT BETWEEN THE CITY AND JOHN ANDERSON FOR THE LEASE OF PROPERTY LOCATED AT 1200 N FLINT STREET TO HOUSE THE LINCOLNTON POLICE DEPARTMENT DETECTIVES DIVISION - FOR \$ 1850.00 PER MONTH:

(C-09-17)

Steve Zickefoose, City Manager, and Police Chief Rodney Jordan both requested Council consider entering into a lease for the detectives division from property owned by John Anderson located at 1200 North Flint Street. The cost per month would be \$ 1850.00 for a 2400 square foot facility. He said this is a much newer facility and it would accommodate the Detectives as well as have room for other Police Department uses. The lease term would be for a three (3) year period if approved. Steve said, this is a high visibility area and has easier access with additional parking.

Councilman Jetton made the motion unanimously approved to enter into the lease as recommended by the City Manager and the Police Chief.

REQUEST FROM THE COALITION OF CHURCHES TO RENAME ABERNATHY/HOLLYBROOK AVENUE TO MARTIN LUTHER KING, JR. DRIVE IN MR. KINGS HONOR :

Jocelyn Barber, of 326 New Castle Avenue, Lincolnton and Portia Williams appeared before Council to request renaming Abernathy or Hollybrook Avenue, Dr. Martin Luther King, Jr. Drive in honor of Mr. King. They said Lincolnton currently does not have a street named in his honor and many other cities do, and they would like for Council to consider renaming a street in honor of Dr. King.

Ms. Barber said she would like to add that Council consider renaming Generals Blvd, or asking the State for permission to rename Generals Blvd or a portion of it, to Martin Luther King, Jr. This change would be to promote Dr. Kings desire for educating people and changing the world in a positive direction. She said if this change could be done by January 15th, Dr. King's Birthday, they would plan a celebration to honor the renaming of a street in his honor.

They concluded asking Council to consider their request and to let them know a decision in time to get a celebration planned. Councilman Eaddy asked if

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they was a preference in streets mentioned. Portia Williams said she would like to see Abernathy to Hollybrook renamed. Mayor Hatley said a Public Hearing would be required to rename a street. Mayor Hatley asked Steve and Ritchie to get together with members of the Coalition and come back next month with a recommendation. Councilman Black made the suggestion that the Coalition meet with the Parking Committee and see what their recommendation would be. Mayor Hatley asked City Manager Steve Zickefoose to set up the meeting with the Parking Committee and the Coalition and report back their recommendation.

MONTHLY FINANCIAL & OVERTIME REPORT :

Steve Zickefoose, Interim City Manager, reviewed the following report:

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CONSIDERATION OF BUDGET AMENDMENT INCREASING ELECTRIC FUND EXPENDITURES - \$ 275,000, FOLLOWING REVENUES WITH A CORRESPONDING NET CHANGE :
(BA-02-2017)

Steve Zickefoose, City Manager, reviewed a proposed budget amendment which affected the Electric Fund. This is necessary to balance the budget in keeping with auditing requirements.

Councilman Eaddy made the motion unanimously approved the budget amendment as presented.

ADDITION AGENDA ITEM ADDED PRIOR TO APPROVAL OF REGULAR AGENDA: CONSIDERATION OF MAYOR AND COUNCIL WEARING CASUAL ATTIRE DURING THE SUMMER MONTHS TO CITY COUNCIL MEETINGS:

Councilman Jetton asked Council to consider for the next three (3) months that City Council wear their City shirts with City Seal for the next three months to Council meetings. This would be optional apparel. With no comment from Council, Mayor Hatley said he and Roby would wear casual attire next month.

PUBLIC COMMENT :

Alan Hoyle spoke under the public comment portion of the meeting. He wanted to bring to the City's attention that Susan Brymer was retiring after 31 years with Christian Ministries. She has poured her life in meeting people's needs. He asked if the City would recognize Mrs. Brymer for what she has done. He also asked for consideration of a cross walk near Christian Ministries to help those frequenting the location, and those that are handicap, to better be able to enter the building.

NEWS MEDIA :

Wayne Howard, of the Lincoln Herald, had questions regarding the parking on East Main Street. Those concerns were discussed among Council. He also told Council he has checked with other units of government about electronic signs, and the fact that they are distracting, he found none.

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CLOSED SESSION :

Councilman Eaddy made the motion unanimously approved to enter into Closed Session to discuss Personnel in accordance with NCGS 143.318.11(a)(1)(6).

Councilman Eaddy made the motion unanimously approved to Return to Regular Session.

ADJOURNMENT :

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR