

REGULAR MEETING - SEPTEMBER 7, 2017

The Mayor and City Council met in regular session on Thursday, September 7, 2017 at 7:00 pm in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton NC.

The following Council members were in attendance:

SMITH BLACK EADDY JETTON

Mayor Hatley called the meeting to order and led the Pledge of Allegiance.

Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA, with the addition of an update regarding the forecast/status of Hurricane Irma to the end of the agenda.

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

- Approved Minutes of the August 3, 2017 – Regular Meeting
- Approved changes to State Health Plan Employee Contributions – internal changes creating a pay code for insurance stipend
- Approval of payment of \$ 400 bonus to all full time City Employees, as included in the 2017-18 fiscal year budget

REGULAR AGENDA

PRESENTATION OF PROCLAMATION RECOGNIZING CONSTITUTION WEEK – SEPTEMBER 17 THROUGH 23, 2017 TO MEMBERS OF DAUGHTERS OF THE AMERICAN REVOLUTION – LINCOLNTON CHAPTER:

Mayor Hatley called on Annette Carpenter and Ruby Park to come forward and receive a proclamation recognizing Constitution week. The proclamation read as follows:

WHEREAS, September 17, 2017 marks the Two Hundred and Twenty-Ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR) to inform the

REGULAR MEETING - SEPTEMBER 7, 2017

people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation through patriotic celebrations across the United States that will commemorate the occasion; and

NOW, THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim September 17 through 23, 2017 as **CONSTITUTION WEEK** in the City of Lincolnton, and ask our citizen's to reaffirm the ideas the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lincolnton in the state of North Carolina on this seventh day of September in the year of our Lord two thousand seventeen.

**PRESENTATION FROM APPLE FESTIVAL BOARD CHAIR –
NEW EXHIBIT THAT WILL HIGHLIGHT LOCAL INDUSTRY
DURING APPLE FESTIVAL:**

Carole Howell, Coordinator of Lincoln County Apple Festival, spoke to Council regarding the 2017 Apple Festival and new events planned. They have reached out to the school system, trying to get them involved again as in past years, to see if they can hold an essay and poetry contest. Carol said, "The prompt for that is "How does the Lincoln County Apple Festival contribute to or enhance our community", and prizes will be given to the winners. She said food vendors have said they make anywhere from \$ 2,000 to \$ 4,000 in a day, with more than fifty food vendors registered to participate this year. Lincoln County Extension and Community Gardens has compiled a cookbook which will be available with over twenty-five years of cooking contest recipes. She also said there will be a scavenger hunt where festival attendees will visit downtown stores to search for these items. She was excited about this addition.

Mr. John Dancoff, updated Council on the new large exhibit, Destination Innovation, which spotlights manufacturing in Lincolnton and Lincoln County, sponsored by Timken. This air conditioned tent will house many local manufacturers in the First Federal Parking lot. Videos of local manufacturers and NC Works for Veterans opportunities will also be available. He encouraged Mayor and Council as well as citizens in attendance to attend the Apple Festival this year. They distributed Apple Festival T-Shirts to elected officials and staff to wear to the event on Saturday, September 16, 2017.

REGULAR MEETING - SEPTEMBER 7, 2017

INTRODUCTION OF THE NEWLY APPOINTED SUPERINTENDENT FOR LINCOLN COUNTY SCHOOL SYSTEM – DR. LORY MORROW:

Mayor Hatley recognized Dr. Lory Morrow, Superintendent of Lincoln County Schools. Dr. Morrow addressed Council, thanking them for the opportunity to attend the meeting. She said she has been on the job for one month and has had eight successful days of school. She said she is a career educator and has been an educator for twenty-six years. She has worked in four school systems, and most recently served as Superintendent of Davidson County Schools. She has lived in the Cornelius area for twenty years. She is glad to be back close and has admired this school system for some time and is honored and humbled to be our Superintendent. Mayor Hatley thanked her for attending and welcomed her to Lincolnton.

APPLICATION FROM FLOYD DEAN REQUESTING THE REZONING OF APPROXIMATELY ONE ACRE OF LAND FROM RESIDENTIAL-25 (R-25) TO PLANNED BUSINESS (PB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED WEST SIDE OF WEST NC 150 HIGHWAY APPROXIMATELY 500 FEET SOUTH OF THE INTERSECTION OF WEST NC 150 HIGHWAY AND WEST NC 27 HIGHWAY (PARCEL ID 21438) :

ZMA-2-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. The property is located in the City's extraterritorial jurisdiction and is currently a vacant wooded lot. Laura said properties located to the north and east are zoned P-B and properties located to the south and west are zoned R-25. Properties surrounding the site are a mixture of residential and commercial uses.

Laura further reviewed the Land Use Plan requirements noting the applicant would not be in compliance with the land use plan with the current plan shown, depicting the property in the Residential Suburban Planning Area. She said if the site were rezoned to PB (Planned Business), any use permitted within that PB District could potentially be allowed. After some discussion, Laura concluded noting that the site's location on a thoroughfare with nearby commercial zoning and land uses warranted consideration of the request from staff's perspective. She said, "However, concerns were raised by nearby residential property owners at the Planning Board meeting including the

REGULAR MEETING - SEPTEMBER 7, 2017

potential impact on the neighborhood from additional traffic, noise and lights.” She said there was discussion with the applicant regarding potential conversion to a conditional rezoning request so that a specific development site plan could be considered but the applicant indicated he is unable to do that. Traffic was cited as a major concern from the neighbors as well. For these reason, Laura said the Planning Board recommends denial of the request.

Councilman Jetton questioned the traffic from the Charter school on Highway 27. Laura felt the neighbors concerns were both Hwy 27 and Hwy 182, although traffic from the Charter school is early morning around 7:30 am and again around 3:00 p.m. with people driving to and from.

Councilman Eaddy said he drove out today and has residents on both sides and to the rear and I would be real hesitant to open it up to any of the possible businesses listed. He questioned if there was an indication why the applicant did not want to take the conditional use permit route. Laura said time was a factor when she mentioned the CUP process to him.

After some discussion, Mayor Hatley asked if any had signed to speak. The City Clerk said that while no one signed prior to the hearing, they could come forward state their name at the podium and have three minutes to speak to the subject.

Mr. Harry Avery, spoke on behalf of his daughter Dana who lives beside the site requested, against the rezoning. He stated this location was not the place for more business in his opinion. There is too much traffic and there is no sewage on highway 150 west, and this is not the place for more traffic, lights or noise. He referenced a petition that had been signed from property owners in the neighborhood against the rezoning.

Mr. Jeff Ledbetter, who operates a business directly across the street from the property, spoke in favor as he said the more business you could locate on the west side would be good for businesses and the west side of town. He said, “I don’t see how you can take one acre of land and create a noise problem it is just not the enough space to do it.” “I think more development on the west side would be a good thing for Lincolnton. We are for commercializing the property.”

REGULAR MEETING - SEPTEMBER 7, 2017

Mr. John Houser, owner of Houser Camper, also spoke in favor of the request. He said, "I have ladies bring horse trailer for me to work on and it would be nice to have a place close to get something to eat. They could walk across the road or take my golf cart to this location. Those of us across the river shouldn't have to go to Boger City to get something to eat. I am in favor of the request."

Mr. Mike Cline, a former LEDA member and owner of property just behind Carolina Trust Bank, also spoke in favor of the request. He said as a former LEDA and Chamber of Commerce member he is for more business and pro growth.

With no one else requesting to speak, Councilman Black made the motion unanimously approved to close the Public Hearing.

The applicant Mr. Dean then questioned why he was not able to speak. While he had not signed or indicated he wished to speak, the Clerk confirmed that Mayor Hatley had the right to allow him to speak to the rezoning as the applicant.

Mayor Hatley reopened the public hearing.

Mr. Floyd Dean, the applicant, said his house directly behind the lot is his home. He said, "The timeframe on buying the property and closing is very short that is one reason I do not have a conditional use. I know the neighborhood pretty well and several properties adjoining the property are in favor of the request. I would do nothing to harm any property owner in that area. The City has in place the means of protecting the Avery property through means of a fence or whatever the City would like for her to do." He also said he has the capability of obtaining an easement for sewer on the Highway 27 west side."

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

Councilman Jetton made the motion to grant the rezoning request. Councilman Eaddy questioned Laura as to why staff decided that was not in congruence with the UDO. She said the Land Use Plan recognizes residential and at the Planning Board meeting there were concerns from residential

REGULAR MEETING - SEPTEMBER 7, 2017

property owners that led to the Planning Board recommending denial, while staff felt the rezoning could be approved. Laura said the concerns raised by the residential property owners could not be answered without a site plan. Therefore the Planning Board recommended denial.

After further discussion, Mayor called the vote on Councilman Jetton's motion to approve the rezoning. The motion failed by a three to one vote with Councilmen Smith, Black and Eaddy voting no.

PUBLIC HEARING TO RECEIVE INPUT ON RENAMING OF A PORTION OF ABERNATHY STREET TO MARTIN LUTHER KING, JR. DRIVE AS RECOMMENDED BY THE LINCOLNTON PARKING COMMITTEE:

Mayor Hatley opened the Public Hearing. City Manager Steve Zickefoose gave the following report to Council:

- Consideration of request form Coalition of Churches in renaming Abernathy or Hollybrook to Dr. Martin Luther King, Jr. Drive
 - *Committee recommends renaming of Abernathy from the north side Main Street to East Pine to Dr. martin Luther King, Jr. Drive.*
- Consideration of making West Water Street one way between Government and Court Square
 - *No changes recommended.*
- Parking restrictions for over sized vehicles
 - *No changes recommended.*
- Diagonal parking on East Main in front of Post Office
 - *Recommend changing of four diagonal spaces to two parallel spaces for pedestrian safety.*
- Discussed pedestrian safety at crosswalks
 - *City Manager advised that DOT will be repaving soon and that 'stamped' crosswalks are a definite possibility. These provide mush higher visibility for safety purposes.*

Dennis Poston and Portia Williams also spoke in favor of renaming Abernathy Street, from Main Street North, crossing over Pine to dead end. They ask that if approved the City please notify them once signs were changed as they will plan an event to recognize the change to honor Dr. Martin Luther King, Jr.

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

REGULAR MEETING - SEPTEMBER 7, 2017

Councilman Eaddy made the motion unanimously approved to change the street name from Abernathy to Martin Luther King, Jr. as requested and recommended.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND TGS ENGINEERS FOR THE HIGHWAY 27 SIDEWALK CONNECTOR - \$ 52,973.46 :

(C-15-17)

Laura Elam, Planning Director, reviewed a memo regarding the proposed contract for the Highway 27 East Bridge. She said, "Earlier this year, City Council selected TGS Engineers to perform design services for the planned sidewalk connector project on the East Main Street Bridge over Highway 321. TGS then submitted a draft cost estimate and contract for those services."

Laura said, NCDOT has finalized a pre-award audit of the cost estimate and we are now ready to enter into contract with TGS. The proposed contract includes the following services for \$52,973.46.

- Project Development & Environmental Analysis
- Location Surveys
- Structure Analysis and Design
- Roadway Design
- Hydraulics and Storm water Design
- Pavement Marking Layout and Design
- Work Zone Traffic Control Plans

She concluded recommending City Council approve the contract and she would give TGS notice to proceed. They would then be able to start work on the design plan and the required environmental documentation.

Councilman Jetton made the motion unanimously approved to enter into the contract with TGS Engineers as recommended for \$ 52,973.46.

CONSIDERATION OF CONTRACT BETWEEN THE LINCOLNTON POLICE DEPARTMENT AND SPILLMAN/MOTOROLA FOR RECORDS MANAGEMENT FOR A TWO YEAR PERIOD:

(C-16-17)

Rodney Jordan, Police Chief, reviewed a draft contract between the City and Spillman RMS for a records management system. Chief Jordan told Council he has been in discussions with the Town of Maiden regarding their contract with Spillman RMS and has heard positive reviews on this company. The Chief said

REGULAR MEETING - SEPTEMBER 7, 2017

the current vendor Southern Software does not offer the tools they need to stay compliant with Federal and State reporting requirements. Southern Software does not currently have a query function to access State or National Databases such as DCI and/or NCIC, these queries must be done through another software application.

Chief Jordan said, "In early 2017 we received a group message from Maiden Police Department inquiring about any agency using an internet based RMS. That internet based RMS was called Nova and made by Spillman."

After further review of the features of Spillman's Flex Software, he reviewed the total cost if the Council would consider entering into this contract. The total contract would be \$ 212,500.00 for the software and training. The yearly maintenance there afterwards would be \$ 26,460.00 per year. This cost was submitted to Scott Hopkins of Motorola who was able to provide a discount of \$ 138,750.00 because of the radio project underway by Lincoln County and the Lincolnton Police Department, to upgrade police radios with 800MHZ police radios.

The final proposal for cost was as follows:

Initial Cost:

Base Cost:	\$ 212,500.00	
Radio Discount	- 138,750.00	= \$ 73,750.00 Discounted Cost

Year two Cost:

Base Cost:	\$ 26,460.00	
Radio Discount:	- 11,000.00	= \$ 15,460.00 Discounted Cost

Year Three Cost:

Base Cost:	\$ 17,506.00	
------------	--------------	--

He reviewed payment options, maintenance, support and upgrades. He noted that maintenance could increase 0% to 4% with a maximum of 7% a year.

City Manager, Steve Zickefoose said he could use existing dollars within the Police Department budget if approved.

Councilman Eaddy made the motion unanimously approved to enter into the contract as recommended by the Police Chief.

REGULAR MEETING - SEPTEMBER 7, 2017

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LINCOLN COUNTY FOR THE PURCHASE OF 43(+) ACRES OF LAND FOR DEVELOPMENT AT THE LINCOLNTON-LINCOLN COUNTY AIRPORT

(C-17-17)

Steve Zickefoose, City Manager, said while the City has already reviewed the contracts and had previously approved documents the County requested these contracts be considered based on recent legislation and minor language changes to the contract. The total purchase price of \$ 225,000 for the purchase of 43(+) acres is the same. The County requested we execute these contracts to help them move forward with the process that will help them speed things up.

Councilman Eaddy wanted to provide clarification saying "I keep reading that we are selling the airport. This is 43 acres that we are selling in order to accommodate economic development out there and to allow the County to finance that economic development. In return for that consideration the next item comes up where our expenses obligation has changed for operating cost have changed, we are still half owners of the airport last time I heard." He said, "We are just receiving annual revenues which go toward operations of our organization and reducing our annual obligation to pay out, if I understand that correctly."

Councilman Black made the motion unanimously approved to enter into the agreement as requested.

CONSIDERATION OF CONTRACT BETWEEN THE CITY, LINCOLN COUNTY AND THE LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY FOR FUNDING AND OPERATIONS:

(C-18-17)

Steve Zickefoose, City Manager, said this is the second piece of the Airport Contracts, regarding operational cost and potential revenues that would go to the City. He told Council again the County requested approval of these documents which have minor changes based on legislation changes. "This will help them expedite and begin with project improvements, filling in the land and such and not delaying it for two or three months."

REGULAR MEETING - SEPTEMBER 7, 2017

Mayor Hatley noted this does change our annual payment to about 13% involved in operating costs rather than the annual \$ 60,000.00 the City has been paying. Steve said it could be around a \$ 28,000 cost savings to the City.

Councilman Eaddy made the motion unanimously approved to enter into the agreement as requested.

CONSIDERATION OF THE 22 NOMINEES FROM THE FOUR AREA HIGH SCHOOLS AND THE LINCOLN CHARTER SCHOOL FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL:

(APPT-03-17)

Donna Flowers, City Clerk, reviewed the following list of nominees from the four area county high schools and the Lincoln Charter School:

EAST LINCOLN

Thomas Holmes – Sr.
Maggie Grey – Sr.

Samantha Bartlein – Sr.
*Johnny Pike – Sr.

Emma White – Jr.
Cole Johnston – Jr.

WEST LINCOLN

Jade Carpenter – Sr.
Dylan Smith – Jr.

Chloe Saine – Sr.
Mattie Wyant – Jr.

Sadie Flowers – Sr.

LINCOLNTON HIGH SCHOOL

Charles Robinette, Sr.
Simon Weisenhorn – Sr.
*Ashlyn Rhyne – Jr.

Miller Brogden – Sr.
Mauricio Lozano – Sr.

Hundley Rhyne – Sr.
*Alexandria Bynum – Sr.

NORTH LINCOLN HIGH SCHOOL

Emma McLaughlin – Sr.
Grady Bartro – Jr.

Westley Hunter – Sr.
Allison File – Jr.

Adam Henderson – Sr.

LINCOLN CHARTER SCHOOL

Joseph Vargas - Sr.

Rebecca Quesada - Jr

This year's Council will consist of twenty-five members, twenty-two nominated by the area high schools and three nominated by our (*) elected officials.

Councilman Jetton made the motion unanimously approved to appoint the above stated nominees.

REGULAR MEETING - SEPTEMBER 7, 2017

CONSIDERATION OF APPLICATION FOR THE REVOLVING LOAN FUND (RLF) FOR BUILDING RENOVATIONS FOR NEW BUTCHER SHOP AND DELI AT 114 EAST MAIN STREET:

Laura Elam, Planning Director, reviewed the above request for a revolving loan in the amount of \$ 30,000 which would be secured by the deed of trust on property of applicant Mark Ingle;

- Use: Complete renovation of main floor for a butcher shop and deli including:
 - Installation of new plumbing,
 - Installation of new HVAC system,
 - Installation of new electrical system,
 - Removal of existing partition walls,
 - Removal of existing flooring and ceilings to expose original materials,
 - Refinishing of floors and ceilings,
 - Installation of two new bathrooms,
 - Modification of front and rear exits for handicap accessibility, and
 - Addition of drains and tile in butcher shop, kitchen and baths.

- Total project cost estimate: \$96,000
- Anticipated start: September 2017
- Anticipated Completion: January 2018

Laura concluded saying, “A Staff Committee assessed the application in terms of how well the project aligns with revitalization goals, community and economic impact and credit worthiness of the applicant. The Committee recommends approval of the application. This is a stellar applicant.”

Councilman Black made the motion unanimously approved to grant the loan as requested by the Staff Committee and the Planning Director.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT :

Steve Zickefoose, City Manager, reviewed a spreadsheet of snap shot view of the General Fund, Waster & Sewer Fund and Electric Fund balances as of July 2017. Higher revenue stream will come in during October or November. He noted that overtime, as compared to last year this time, was down

REGULAR MEETING - SEPTEMBER 7, 2017

\$ 1500.00 from the previous year. He credited department heads for helping cut the overtime and said we are getting to the point that these numbers will remain neutral as we have cut overtime back as much as possible. Auditors are in the preparation stage of completing the audit. Steve said, "Preliminary numbers in looking at things I feel we will have a very good report."

UPDTAE ON THE WEATHER FORECAST REGARDING "HURRICANE IRMA":

Steve said he has met with the Lincoln County Emergency Management team, along with our Police, Fire and Public Works and they participated in a conference call with the State Emergency Management to discuss preparedness. Steve said, "Our goal is to plan for the worst, but we go on the data that we have at the time. He said, Hurricane Irma is still four days away, and the path is still subject to change we are just using the predicted path at this time. Based on that information our area will be impacted by high winds potentially three to six inches of rain. The water that flows from the mountain area that is expected to get 7 to 9 inches of rain may be what we have to deal with."

Steve said, "No emergency shelter has been designated at this time and this is a call the County would make not the City. Another meeting is scheduled tomorrow to provide updates and continue discussions and plans of action. As storm information becomes more concrete we will know how to act upon that information. The County is working on a statement that will be sent out to citizens. We will send out information as well as soon as we have more information. We are following along with the lead of the Lincoln County as they are the Emergency Management Group. That is all the information we have at this time."

Portia Williams questioned how the City would make citizens aware of necessary information regarding the storm. Steve said, "The City will utilize the calling system to message citizens as will Lincoln County and we will post on face book and twitter to get the word out to citizens."

REGULAR MEETING - SEPTEMBER 7, 2017

PUBLIC COMMENT:

No one spoke under the public comment portion of the agenda.

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**