

REGULAR MEETING - FEBRUARY 2, 2017

The Mayor and City Council met in regular session on Thursday, February 2, 2017 at 7:00 pm in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton, NC 28092.

Mayor Hatley called the meeting to order and led the Pledge of Allegiance. The following Council members were in attendance:

SMITH EADDY JETTON

Councilman **BLACK** was absent due to illness. Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA as presented.

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

- Approved minutes from January 5th regular meeting
- Approved (C-04-17) Contract/proposal for a Fair and Equitable Airport Funding Agreement between the City of Lincolnton and Lincoln County
- Approval of amendments to the City's Zoning Map as drafted and presented by the Planning Department based on zoning map amendments completed in calendar year 2016
- The following Call to Public Hearing for the March 2nd meeting:
Proposed Amendment to the City of Lincolnton Code of Ordinances to add Section 150.100, Minimum Nonresidential Standards, in order to establish minimum standards for maintenance of commercial buildings

REGULAR AGENDA:

APPLICATION FROM SEVEN EAGLES BUILDING GROUP REQUESTING THE RENEWAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 33-UNIT CONDOMINIUM COMPLEX ON 5.25 ACRES IN THE CU-RMF DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON LINCOLN COUNTRY CLUB PROPERTY APPROXIMATELY 650 FEET NORTH OF COUNTRY CLUB ROAD AND APPROXIMATELY 450 FEET EAST OF LITHIA INN ROAD NORTH OF THE DRIVING RANGE FACILITY (PARCEL ID 86678).

(CUP-1-2017)

Mayor Hatley opened the Public Hearing. Mark Carpenter, Zoning Administrator, reviewed the request from Seven Eagles Building Group for renewal of a conditional use permit for a 33 unit condominium complex at the above said location.

Mark said the conditional use permit was originally requested and approved in 2006 and then again in 2014. He said the LUDO states that the applicant has a

REGULAR MEETING - FEBRUARY 2, 2017

period of twenty-four months from the date of the issuance of the conditional use permit to secure a building permit for the development. If the applicant fails to obtain a building permit within the allotted time, the Zoning Administrator is to notify The applicant request it be renewed for an additional two years.

Mark said the request was presented to Planning Board at their last meeting and they did recommend approval of extending the CUP for a two year period.

Having no one wishing to speak to this item, Councilman Smith made the motion unanimously approved to close the public hearing.

Councilman Eaddy made the motion unanimously approved to approve the renewal of the CUP as requested and recommended by the Planning Board and staff.

**PROPOSED AMENDMENT TO THE CITY'S CODE OF ORDINANCES –
TITLE VII – TRAFFIC CODE – CHAPTER 74 – TRAFFIC SCHEDULES;
SCHEDULE VII. ADD:HOKE STREET – ENTIRE LENGTH OF THE
STREET FROM FLINT STREET TO THE DEAD-END PORTION PAST
CEDAR STREET – REDUCE SPEED LIMIT FROM 35 MPH TO 25
MPH:**

(O-02-17)

Mayor Hatley opened the Public Hearing. Rodney Jordan, Chief of Police reviewed the request to amend the City's Code of Ordinances as stated above. The Chief said as a result of calls and complaints of speeding on Hoke Street, he and his staff checked the area and concluded based on the width and length of the street that 35 mph is too fast for that area. He recommended amending the ordinance and posting signage of 25 mph speed limit on Hoke Street.

Councilman Smith made the motion unanimously approved to close the public hearing.

Councilman Smith made the motion unanimously approved to amend the ordinance, changing the speed limit from 35 mph to 25 mph on Hoke Street, as recommended by the Chief of Police. The change will become effective upon erection of the signage.

Councilman Jetton said he would like to see the speed limit changed from 35 mph to 25 mph all over town. He said, "It's just something to think about."

REGULAR MEETING - FEBRUARY 2, 2017

RECOGNITION OF THE RETIREMENT OF WAYNE HOUSER – VOLUNTEER FIREFIGHTER WITH LINCOLNTON FIRE DEPARTMENT FOR 22 YEARS:

Ryan Heavner, Fire Chief, called Wayne Houser up front along with Assistant Chief Brent Smith for a presentation from the Lincolnton Fire Department as he has served as a volunteer with the department for twenty-two years.

Chief Heavner thanked Mayor and Council for allowing him to do this presentation saying, “It is always good to showcase someone who has given this amount of time.”

Wayne Houser also thanked the Mayor and Council along with Chief Heavner. He said it has been a pleasure and honor to serve both Lincolnton and Lincoln County for over forty years total with his combined service with Boger City Fire Department. He said, “I will miss it and then people I work with.”

Mayor Hatley and Chief Heavner told Wayne to keep coming around and not to be a stranger upon retirement.

UPDATE ON ASPEN APARTMENTS PROJECT AND PROPERTY LOCATED AT 215 N. OAK STREET:

TJ Wilson, Jr. City Attorney, said the property located at the corner of Aspen Street and Pine Street that is a part of the Willie Heafner project proposing downtown apartments is finally to a close. He said, “There was a problem with an open alleyway along the property that we found when trying to convey the property but adjoining property owners were notified and signatures were obtained granting the necessary easements, closing the alleyway. So we are now in a position to convey the property and Mr. Heafner can get started on the proposed project.”

We also have been working on infrastructure right of ways at the Inverness site but he feels that can be resolved fairly easily.

Mr. Wilson also told Council that the property located on Oak Street that the City acquired through unpaid zoning fines which allowed the City to get a judgment on the property, is scheduled to be sold on February 14th. He said this is the final step in this process and he has had several people approach him about the property and he feels the City will get their money out of the property and then we can sell it and move forward. TJ said he feels the neighbors will be satisfied with this and the potential clean up.

REGULAR MEETING - FEBRUARY 2, 2017

Councilman Eaddy thanked TJ for his efforts to complete this process. Dr. Eaddy said, "I hope our citizens will find out we are now pursuing derelict homes that are eyesores on this community and we have criteria in place, with neighbors contacting the City, we take that criteria and apply it and correct any eyesores violating our ordinance.

Mayor Hatley also thanked Mark Carpenter for all the work he has done on this project as our Zoning Administrator. The Mayor said often times those that are actually doing the work on these type complaints on behalf of the City are not recognized.

DISCUSSION OF PROPOSED CHANGES TO THE CITY'S CODE OF ORDINANCES – PUBLIC MEETINGS ON STREETS AND SIDEWALKS – BUSINESS PERMIT REQUIRED – SOLICITORS AND STREET PERFORMERS:

TJ Wilson, Jr. City Attorney told Council that the City Clerk has received many different ordinances from other municipalities regarding public meetings, gatherings on streets and sidewalks. He said Mrs. Flowers has spoken to the City Clerk in Greensboro, as that is the ordinance that may best suit Lincolnton to pattern an amendment to our Code of Ordinances by, and there has been no litigation or concerns from this ordinance as it pertains to events and festivals.

He said "It is a slippery slope but we are trying to get something that the police that can enforce that would be legally binding and held up if we were taking to court." Mayor Hatley reminded Council that the proposed ordinance in their packet, with revisions, was recently adopted by the City of Greensboro. He suggested that Council members review this and see if this is what you would like to see approved for Lincolnton. He said if so he would ask that a Public Hearing date be set to consider the amendment and seek input from our citizens.

Councilman Eaddy said "I like the direction of this and I think we should give our law enforcement clear direction for enforcement." Dr. Eaddy questioned if adoption of this ordinance would impede freedom of speech in anyway. The City Attorney said, "That is the real difficult part of this, is the first amendment right and not controlling it. That is not the intent and I think it is just going to have to be good judgment put out there and test how this will work, and I think we have good judgment in our Police Department. He said, "I think this is designed for events and people wanting to have communications that are not really part of the event."

Councilman Jetton questioned the difference between this ordinance and the one we currently have. TJ said this is more designed for festivals and special events held downtown and would require a permit. We do not want to impede upon anyone's freedom of speech that is not what this is designed to do. It should help guarantee the safety of our citizens at our events.

REGULAR MEETING - FEBRUARY 2, 2017

After further discussion, Councilman Eaddy made the motion unanimously approved to call this proposed ordinance amendment to public hearing at our March 2nd City Council meeting. Mayor Hatley clarified that public discussion would come before any consideration of adoption of a proposed ordinance.

MONTHLY FINANCIAL/ OVERTIME REPORT:

Steve Zickefoose, City Manager, presented the following financial report to Council, noting the general fund is in very good position as indicated through the month of December in this report.

February 2017 Council Meeting

Executive Summary

December 2016 Year-To-Date

		16-17	% of Budget	15-16	Difference
General Fund					
Fund 10	Revenues	5,570,010.81	46.30%	5,336,608.15	233,402.66
	Personal Services	3,768,477.63		4,040,478.84	(272,001.21)
	Supplies & Materials	197,643.78		162,548.74	35,095.04
	Current Obligations	287,594.83		246,284.86	41,309.97
	Fixed Charges	(901,615.36)		(861,468.37)	(40,146.99)
	Capital Outlay	554,404.94		347,710.66	206,694.28
	Contracts/Grants	339,190.38		287,550.17	51,640.21
	Debt Service	31,395.62		8,705.62	22,690.00
	Expenses	4,277,091.82	43.27%	4,231,810.52	45,281.30
	Difference	1,292,918.99		1,104,797.63	188,121.36

		16-17	% of Budget	15-16	Difference
Water & Sewer Fund					
Fund 61	Revenues	4,300,890.69	48.57%	4,567,151.24	(266,260.55)
	Personal Services	893,676.36		954,283.00	(60,606.64)
	Supplies & Materials	210,488.32		225,193.81	(14,705.49)
	Current Obligations	290,521.83		264,550.63	25,971.20
	Fixed Charges	774,730.37		829,291.46	(54,561.09)
	Capital Outlay	677,443.49		158,114.47	519,329.02
	Contracts/Grants	113,763.13		110,670.77	3,092.36
	Debt Service	135,573.86		160,730.52	(25,156.66)
	Inv., Interfund	189,547.98		189,547.98	-
	Expenses	3,285,745.34	46.81%	2,892,382.64	393,362.70
	Difference	1,015,145.35		1,674,768.60	(659,623.25)

		16-17	% of Budget	15-16	Difference
Electric Fund					
Fund 63	Revenues	4,051,230.43	51.91%	3,959,929.31	91,301.12
	Personal Services	215,801.85		249,991.03	(34,189.18)
	Supplies & Materials	15,230.30		37,433.87	(22,203.57)
	Current Obligations	2,900,404.92		2,827,786.62	72,618.30
	Fixed Charges	507,504.46		523,159.35	(15,654.89)
	Capital Outlay	39,773.39		35,274.00	4,499.39
	Contracts/Grants	-		-	-
	Inv., Interfund	12,987.48		12,987.48	-
	Expenses	3,691,702.40	49.56%	3,686,632.35	5,070.05
	Difference	359,528.03		273,296.96	86,231.07

Overtime 80+ hours 140,856.00 162,207.00 (21,351.00)

Personal Services	Salaries and Benefits
Supplies & Materials	Supplies, Materials, Uniforms, Gas
Current Obligations	Building Maint, Repairs, Phone, Data, Travel
Fixed Charges	Insurance, Safety
Capital Outlay	Equipment, Vehicles, Construction
Contracts, Grants	Donations, Airport, 911, Animal, Fireworks, Drug Enforcement, Contracted Services
Debt Service	Bonds and Loans Payments

REGULAR MEETING - FEBRUARY 2, 2017

PUBLIC COMMENT:

Mr. Alan Hoyle spoke to Council regarding the US Constitution.

Mr. Scott Rabb spoke to Council also about the US Constitution and their obligation as elected officials to follow the US Constitution.

CLOSED SESSION:

Councilman Eaddy made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11(a)(1)(5) to discuss property.

Councilman Jetton made the motion unanimously approved to return to regular session.

Mayor Hatley reported there was no action taken during the closed session portion of the meeting.

NEWS MEDIA:

There were no questions from the news media.

ADJOURNMENT:

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