

**The Mayor and City Council met in regular session on Thursday, February 6, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.**

**Mayor Hatley opened the meeting and led the Pledge of Allegiance. The following Council Members were in attendance:**

**WHITE**

**WATSON**

**EADDY**

**JETTON**

**Councilman EADDY made the motion, unanimously approved, to approve the *REGULAR AGENDA*.**

**Councilman JETTON made the motion, unanimously approved, to approve the *CONSENT AGENDA* as follow:**

- **Approval of Minutes for the January 9, 2020 Regular Meeting**
- **Calls to Public Hearing for the March 5<sup>th</sup> City Council Meeting:**

**ZTA-1-2020** - Application from the Lincoln County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance in regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

**ZTA-2-2020** - Application from Travis Dellinger/Visual Inception requesting a zoning text amendment to Section 153.113 (Central Business District) of the Unified Development Ordinance, to add the use "Sign Printing and Manufacturing" as a permitted use.

**CU-ZMA-3-2020** - Application from Jamie Policz requesting the conditional use rezoning of approximately 0.8 acres of land from General Manufacturing and Commercial (GMC) District to Conditional Use Residential Multi Family (CU-RMF) District for a proposed church expansion. The subject property is located at 1008 North Aspen Street (Parcel ID 01095).

**PRESENTATIONS**

**Presentation recognizing Rusty Reynolds for successfully completing the “Managing Officer Program”**

Mayor Hatley recognized Rusty Reynolds of the Lincolnton fire department presenting him with a framed certificate from the National Fire Academy which read as follows:

In recognition of successful completion  
Of the requisite courses of study, the  
*National Fire Academy*  
Under the authority granted by the  
115<sup>th</sup> Congress of the United States of America, award this  
Certificate of completion of the  
***MANAGING OFFICER PROGRAM***  
Upon  
***Rusty Reynolds***  
with all honors, privileges, and responsibilities  
thereunto appertaining

Awarded this 13<sup>th</sup> day of January, 2020

Rusty thanked all those that made this possible for him thanking his family for their support while he completed the necessary courses. He also thanked his co-workers who fulfilled his job duties while he was away.

**RESOLUTION**

**(R-01-20)**

**Recognizing Candice Fitzgerald on her retirement**

Mayor Hatley read and presented the following retirement resolution to Candice Fitzgerald:

## RESOLUTION

of Appreciation for

### CANDICE T. FITZGERALD

**WHEREAS**, the City of Lincolnton does desire to recognize and honor employees for their contributions and dedicated service to the City and its Citizens; and

**WHEREAS**, Candice T. Fitzgerald began employment with the City of Lincolnton on March 4, 1999, and has faithfully served as a Police Records Clerk for the Lincolnton Police Department since that time; and

**WHEREAS**, Candice T. Fitzgerald, has positively impacted the lives of many, always patient and courteous when handling public requests whether in person or by phone; and

**WHEREAS**, as a Division of Criminal Information (DCI) Certified Operator for the State Bureau of Investigations, Candice T. Fitzgerald has excelled in maintaining files and records accurately and timely within the Lincolnton Police Department.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Lincolnton that appreciation be extended to Candice T. Fitzgerald for her valuable and outstanding service rendered to the City for her years of public service; and honoring her on her upcoming retirement on February 1, 2020.

**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the official minutes of this meeting, becoming a permanent record of the City of Lincolnton.

Adopted and presented this the 6<sup>TH</sup> day of February, 2020.

Candice thanked the Chief of Police and the Police Captain for their patience and support through the years and she expressed her appreciation for the department as a whole.

**RESOLUTION**  
**(R-02-20)**  
**Recognizing James Moore on his retirement**

Mayor Hatley read and presented the following retirement resolution to James “Jimmy” Moore recognizing his upcoming retirement on March 1<sup>st</sup>.

**R E S O L U T I O N**

of Appreciation for

**JAMES A. MOORE**

**WHEREAS**, James A. Moore began employment with the City of Lincolnton on April 12, 2011, as a Treatment Plant Operator for the City of Lincolnton’s Water Treatment Plant; and

**WHEREAS**, James A. Moore earned his Grade C Surface Water Treatment Facility Operator Certification from the Water Treatment Facility Operators Certification Board which recognized him as qualified to process consumable water; and

**WHEREAS**, being a part of the Water Treatment Plant team, James A. Moore, assisted the City of Lincolnton’s Water Treatment Plant in achieving qualification and inclusion in a very select group of water systems in North Carolina meeting Federal EPA area wide optimization program standards on water quality; and

**WHEREAS**, during his tenure with the Water Treatment Plant, James A. Moore was a member of the staff in 2013 when the City of Lincolnton experienced one of the most devastating floods in the history of the Water Treatment Plant and still continued to provide quality drinking water to the citizens of Lincolnton.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lincolnton, that appreciation be shown to James A. Moore, honoring him on his upcoming retirement on March 1, 2020.

Adopted and presented this the 6<sup>th</sup> day of February, 2020

Jimmie thanked the City of Lincolnton for the opportunity, giving credit to those who were instrumental in hiring him. He also thanked his co-workers, supervisor and others.

**RESOLUTION**

**(R-03-20)**

**Recognizing Jerry White, Jr. on his retirement**

Mayor Hatley read and presented the following retirement resolution to Jerry White, Jr., recognizing him for his upcoming retirement on March 1<sup>st</sup>.

**R E S O L U T I O N**

of Appreciation for

**JERRY G. WHITE JR.**

**WHEREAS**, the City of Lincolnton recognizes the employees of the City are its greatest asset, and wants to honor their dedication and distinguished contributions to the City and its citizens; and

**WHEREAS**, Jerry G. White Jr. began employment with the City of Lincolnton on November 30, 1993 as a Treatment Plant Operator for the City of Lincolnton's Water Treatment Plant; excelling in the position and obtaining a Grade I Biological Water Pollution Control System Operator, a Grade I Physical/Chemical Operator, and a Grade A Surface Water Treatment Facility Operator Certification, which is the highest certification available; and

**WHEREAS**, Jerry G. White Jr. during his service with the Water Treatment Plant, has overcome several challenges to include a major upgrade and renovation of the Water Treatment Plant in 1999, and a massive flood of the Water Treatment Plant in 2013; all the while striving to maintain a high level of service to the citizens of the City; and

**WHEREAS**, Jerry G. White Jr., as an integral part of the team of the Water Treatment Plant, has assisted in the training of new operators instilling within them the goal of treating and distributing the safest and most aesthetically pleasing drinking water to the citizens of the City of Lincolnton.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to Jerry G. White Jr., honoring him on his upcoming retirement on March 1, 2020, and extending best wishes to him for continued success in all his future endeavors.

**Adopted and presented this the 6<sup>th</sup> day of February, 2020**

Jerry expressed his appreciation to the City and supervisors, co-workers saying that he will always think of the City of Lincolnton as family.

**PUBLIC HEARING**

**CUP-1-2020**

**Application from Brian and Marie Kenyon requesting a conditional use permit approval to operate a Brewery, Distillery, Taproom and live event space in the Central Business (CB) District. The subject property is located at 124 East Water Street (Parcel ID 100157)**

Mayor Ed Hatley opened the public hearing and recognized Laura Elam, Planning Director.

Mrs. Elam began explaining that the request is for a conditional use permit to operate a brewery, taproom, distillery and live event space at 124 East Water Street (Parcel ID 100157).

The subject property and all surrounding properties are primarily zoned Central Business (CB). Several properties located at the intersection of S. Academy Street and E. Church Street are zoned Residential -Office (R-O).

Mrs. Elam continued stating that in 2018, a conditional use permit was approved to allow a taproom at 118 East Water Street and the applicant opened Untapped Territory in that location. The current proposal would allow an expansion of Untapped Territory as well as a brewery, distillery and live event space in the adjoining space at 124 East Water Street.

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets all requirements. Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

The Staff Review Committee made the following comments:

1. Coordinate utility connections with City of Lincoln Public Works.
2. Plans must be reviewed and approved by the City Fire Marshall.
3. Building may be required to be sprinkled for the proposed use.
4. Building plans must be approved by Lincoln County Inspections.

Mrs. Elam concluded stating that the Planning Board and staff recommended approval of the Conditional Use Permit, with approval being subject to ordinance requirements and Staff Review Committee conditions, if the applicant satisfactorily proves the findings of fact.

Mr. Brian Kenyon, the owner of Untapped Territory, addressed Council stating what a fantastic place Lincoln has been for his business. Mr. Kenyon briefly explained the reason for the request and how this expansion will benefit the City.

**Councilman WATSON** made the motion, unanimously approved, to close the Public Hearing.

**Councilman EADDY** made a motion, unanimously approved, to consider the request for a conditional use permit.

**Section 153.237 of the Unified Development Ordinance requires that Council determine the following four findings:**

1. **Councilman JETTON** made a 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. **Councilwoman WHITE** made a motion, unanimously approved, that the use meets all required conditions and specifications
3. **Councilman EADDY** made a motion unanimously approved, that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity

4. **Councilman JETTON** made a motion, unanimously approved, that the location and character of the use, if developed according to the plan as submitted and approved, will 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 EADDY made the motion, unanimously approved, to approve the conditional use permit subject to compliance with ordinance requirements and staff review committee comments**

**CU-ZMA-2-2020**

**Application from Ronald Barger requesting the rezoning of 1.9 acres of land from Neighborhood Business (NB) to Conditional Use General (CU-GB) to construct and operate an automobile repair shop. The subject property is located at 1169 West NC Highway 150 (Parcel ID 15675)**

Mayor Hatley opened the Public Hearing, recognizing Laura Elam, Planning Director to speak to the item. All those wishing to speak for or against were directed to come forward to be sworn by the clerk.

Mrs. Elam began explaining that the subject property is a 1.95 acre site located at 1169 West Highway 150 (Parcel ID 15675). The subject property is zoned NB. Otherwise, the remaining area around the site is predominantly zoned R-25. Land uses in the area are mostly single family residential.

Continuing, Mrs. Elam explained that the applicant requests a conditional use rezoning in order to allow use of the site for an automobile repair shop. She said that the current 808 square foot office would remain and the applicant would construct a new 1,380 square foot garage building with two bays on the north side of the property. Access would be provided by one driveway to West Highway 150. Fourteen parking spaces would be provided.

Continuing, Mrs. Elam explained that Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to an automobile repair shop.

In terms of compliance, Mrs. Elam informed Councilmembers that the site plan did not meet all of the UDO requirements that the conditional use permit application requires, therefore the applicant would need to make sure that there is Street and parking lot landscaping along Highway 150, screening adjoining residential property is in place (current trees on property can count toward this requirement) and he would need to submit a plan that shows the amount of impervious surface on the site per the water supply watershed standards. Any applicable watershed requirements must be met per the ordinance.

Mrs. Elam continued stating that the Lincolnton Land Use Plan shows this property in the Residential High Density Planning area. Neither the current zoning nor the proposed zoning is consistent with the Land Use Plan. She went over the staff review committee comments which addressed preservation of existing trees on the site, limiting the hours of operation, the visibility of garage doors from the road, the required driveway permit from NCDOT and a building plan before the issuance of a building permit.

Mrs. Elam confirmed that this request was subject to Section 153.237 of the UDO and requires that four findings be determined by City Council as follows:

- (1) The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
- (2) The use meets all required conditions and specifications, and
- (3) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
- (4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will 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.

In regards to compliance with the findings of fact, Mrs. Elam stated that:

- (1) It does not appear that the use will endanger the public health or safety.
- (2) The proposed use meets all required conditions and specifications with the exception of the items noted above.

- (3) The applicant will need to provide evidence that the use will not have any negative impacts on the value of adjoining or abutting properties.
- (4) The use is not technically in compliance with the Lincolnton Land Use Plan. However, staff considers it to be consistent with the spirit and intent of the Plan in that the proposed use is relatively small in scale and should have a relatively small impact on the surrounding residential area (subject to the Staff Review Committee comments).

In conclusion, Mrs. Elam stated Planning Board and Staff recommended the following two actions:

- (1) If the applicant satisfactorily proves the findings of fact, approval of rezoning of the property from NB to CU-GB
- (2) If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit for an automobile repair shop subject to ordinance requirements and the Staff Review Committee conditions.

Councilmembers had several questions for Mrs. Elam. Discussion was generated in regards to the existing trees on the site plan and the additional screening that will be required. There were also questions about the creek and precautions that will be put in place to address flooding.

Several individuals signed to speak both for and against the request.

Ronald Barger - 309 W. Hwy. 150 By-pass, Lincolnton, NC spoke in favor of the request. Mr. Barger, the applicant, identified himself as a certified mechanic since 1993. After working for several dealerships, Mr. Barger expressed his desire to open/operate a garage of his own which will allow him to continue to do what he loves while providing for his family.

Misty Barger - 309 W. Hwy. 150 By-pass, Lincolnton, NC also spoke in favor of the request. Mrs. Barger spoke very highly to the applicant's character and professional work ethic. And she thanked Council for giving Mr. Barger the opportunity to take the next step in his career by approving the request which will allow him to own and operate a business at this location.

Michael Barlowe - 1370 Springdale Park Drive, spoke in favor of the request. Mr. Barlow, identifying himself as a master technician, spoke to the outstanding character of Mr. Barger and assured Council that because of his passion for the environment, pollution would not be an issue in regards to the nearby creek.

William McSwain - 1227 W. Highway 150, Lincolnton, NC, spoke against the request. As an adjacent property owner, Mr. McSwain voiced his concerns with this type business being permitted at this location. He noted the potential for attracting all types of rodents. He also voiced his concern with the noise that is associated with this type business. He also had some safety concerns. Mr. McSwain spoke to the underground tanks that are still located on the site. For the reasons listed, Mr. McSwain asked that the request be denied.

Darrell Kirby - 1176 W. Highway 150, Lincolnton, NC, owner of the property across from the site, spoke against the request. Mr. Kirby echoed some of the same concerns mentioned by Mr. McSwain, as well as his concern relative to the number of cars that will be allowed at the site. Mr. Kirby spoke to his ground water concerns at the site and the issue of abandoned cars that could result when an owner fails to come back to get their car.

Ronnie Kirby - 1160 Highway 150, Lincolnton, NC, is also a property owner across from the site. Ronnie Kirby also owns the pond. Mr. Kirby voiced his concern about the ground water getting contaminated with oil and other things associated the operation of a garage, stating that the run-off would need to be contained. He also mentioned the noise, and the instability of the ground at the site due to the materials used to "back-fill" years ago.

Scott Allran - 1167 Highway 150, Lincolnton, addressed Council on behalf of his father, Ralph Allran who is an adjacent property owner to the site. Mr. Allran spoke against the request stating that he shared many of the same concerns of the previous speakers in regards to the property previously being bottom land and was filled in. Creek pollution due to run-off was mentioned. Mr. Allran and his family disagreed that the use will be in harmony with the neighborhood due to the previous reasons mentioned and request that property remain zoned residential and not be rezoned.

**Councilwoman WHITE made the motion, unanimously approved, to close the Public Hearing.**

With a unanimously approved motion from Council, much more discussion/deliberations regarding the request took place. Council members spoke to/addressed the non-conforming land use plan requirements and to

the evidence that the applicant needed to provide regarding the concerns identified.

Mayor Hatley requested a motion to approve or deny the request for rezoning. With no motion being made, Mayor Hatley, after conferring with City Attorney T.J. Wilson, announced that the conditional use permit was rejected by the City Council.

#### **REQUEST DENIED DUE TO THE ABSENCE OF MOTION FROM COUNCIL**

##### **CUP-05-2019**

**Application from Townhomes at Lincoln Country Club, LLC requesting conditional use permit to increase the approved number of townhomes from 33 units to 39 units on the 5.25 acre parcel located 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)**

Mayor Hatley re-opened the public hearing to continue discussion concerning Townhomes at the Lincoln Country Club. (*Oaths for this item were administered at the January meeting*)

Laura Elam, Planning Director, spoke to the request, re-stating that the Townhomes at Lincoln Country Club LLC is requesting amendment of the previously approved conditional use permit for a 5.25 acre site located on the Lincoln Country Club property approximately 650 north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range.

The site is zoned RMF-CU (Conditional Use Residential Multi Family) and a conditional use rezoning was approved in 2006 to allow 33 condominiums. Surrounding properties are zoned R-15. Mrs. Elam stated that the site is vacant. Surrounding properties are devoted to the driving range, golf course, single family residential and a condo complex.

A conditional use rezoning was approved in 2006 to allow a 33-unit condominium complex at a density of approximately 6.27 units per acre. Access is provided from a private street connection to Country Club Road. A planted buffer was to be provided along the northern and southern property lines. Existing screening is to remain along the eastern and western lot lines.

Mrs. Elam informed Council that the applicant has submitted a proposed revision to the previous site plan. The proposal to go from 33 units to 39 unites still remains. Which raises the density to 7.4 units per acre.

Mrs. Elam stated that the site is located in the Water Supply Watershed Protected Area so compliance with water supply watershed standards is required.

Continuing, Mrs. Elam stated that the Staff Review Committee had a number of comments and in terms of compliance. She reminded Council of the required four findings to be determined by City Council, plus the addition review criteria, prior to issuance of the conditional use permit.

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will 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.
5. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non- collector/non-thoroughfare streets).

Mrs. Elam listed what the applicant needed to provide in terms of compliance with the aforementioned standards. She stated that the applicant would need to provide evidence that the use will not endanger the public health or safety. She mentioned that the site plan does not comply with ordinance specifications regarding required screening.

Mrs. Elam also stated that the applicant would need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties and provide evidence that the use will be in harmony with the area. She confirmed that compliance to this requirement is met since traffic would be channeled to Country Club Road which is a minor thoroughfare.

Planning Board Recommended approval if the applicant satisfactorily proved the findings of fact. They also recommended that approval should be subject to ordinance requirements.

Mrs. Elam directed Councils attention to the revised site plan materials submitted by the applicant. She reviewed plans, which addressed the exterior materials to be used, as well as a detailed letter from Mr. Wright requesting

Council to allow the required screening to be offsite. Mrs. Elam pointed out several of the issues with the request and the reason this is a concern.

Much discussion was generated among Council and staff in the form of questions and clarification of information.

Mr. Miles Wright, the applicant that submitted this request, addressed Council regarding the details of the request. Mr. Wright confirmed that the exterior will not be vinyl siding, but a mixture of stone, hardy work, metal roofing, which will be in keeping with the modern feel of the day. He also addressed the landscaping proposed. Plans do include 192 trees and 247 shrubs to be put back on the site.

Some discussion regarding using an easement was discussed, with Attorney T.J. Wilson speaking to those concerns.

Mr. Leonard McAllister, a concerned Lithia Inn Road property owner, spoke to Council regarding his concerns, and spoke against the request. Mr. McAllister expressed his objection to the elimination of the trees that was previously located on the property. He also spoke to the decrease in property value due to the construction that has taken place, stating that nothing can be done to fix what has already been done.

More discussion was generated with Council asking questions regarding the inconsistencies in relation to what was approved and what has been done. Laura Elam continued to answer any questions/concerns expressed by members of the Council.

Mr. Miles Wright requested to speak to the concerns voiced by Council, stating he irritation that they have been accused of not having approval to do what has been done thus far. Mr. Wright assured Council that he obtained all of the necessary documents from the City of Lincoln and Lincoln County prior to any clearing of the property, and that his company has followed all of the rules during this process.

Even more discussion was generated with both Mayor Hatley and Council members clarifying their concerns and position on this issue. Mayor Hatley allowed Mr. McAllister to express one more concern which was in regard to traffic congestion and parking.

Being no further discussion, **Councilwoman WHITE made the motion unanimously approved to close the Public Hearing.**

**Councilman WATSON made the motion, to consider the request for a conditional use permit. Ayes 0 Nos 4**

**Mayor Hatley ruled the Conditional Use Permit unanimously denied**

**REGULAR AGENDA**

**Consideration of Awarding Bid for Construction  
of East Pine Street Project**

Richard Haynes, Assistant City Manager, presented the results of a bid opening held on January 23<sup>rd</sup> for the East Pine Street sidewalk project. Three (3) companies submitted bids. The bid tabulation sheet, along with a copy of the bid documents were included in the agenda packet. Bid submissions were as follows:

J & E Concrete Construction Company, LLC	\$137,750.00
Concrete Matters	\$175,000.00
Moore & Seagle Construction, Inc.	\$215,000.00

J&E Concrete Construction was the low bidder and has shown to be a reputable contractor in the past, therefore Mr. Haynes recommended that City Council award the E. Pine Street sidewalk project to J&E Concrete Construction of Harmony, NC.

**Councilman JETTON made the motion unanimously approved to to approve J&E Concrete Construction Company for the job on East Main Street.**

**Selection of Private Engineering Firm for Construction Engineering  
and Inspection Services for  
East Main Street Sidewalk Connector Project**

Laura Elam, Planning Director, spoke to Council regarding this item. Mrs. Elam stated that NCDOT approved the design plan for the sidewalk connector project on East Main Street at the bridge over Highway 321. The sidewalk connector project will eliminate the gap in the sidewalk on the south side of East Main Street at the bridge.

Laura continued, explaining that the project will consist of adding raised concrete sidewalk, two bar metal rail and vandal fence on the bridge plus construction of sidewalk on the bridge approaches by converting an excess travel lane to a pedestrian lane.

Mrs. Elam explained that the City recently solicited letters of interest for construction engineering and inspection services for the project by advertising the request for letters of interest (RFLOI) in the Lincoln Times News on December 16, 2019. The RFLOI was also posted on the City's website and on the NCDOT website.

Nine (9) private engineering firms submitted letters of interest. A staff team evaluated each of the nine letters of interest, reaching out to a minimum of two (2) of the references provided in each of the nine (9) letters. The staff team's view was that the letter of interest that stood out from the rest was the letter for SEPI. It identified the most directly relevant experience with similar, municipal, federally funded projects.

Mrs. Elam concluded that based on the amount of experience with similar projects and exceptionally high praise from references, the staff team recommends the selection of SEPI to provide construction engineering and inspection services for the sidewalk connector project.

Mrs. Elam explained that once a firm is selected, staff will submit a request for concurrence with the selection to NCDOT, after which staff will negotiate a contract.

**Councilman EADDY made a motion, unanimously approved to approve SEPI, Inc. for work on the sidewalk bridge over 321 on East Main Street.**

**ORDINANCE  
(O-01-20)**

**Consideration of amendment to the City's Code of Ordinances - Title IX: General Regulation - Chapter 94 - Parades and Demonstrations - Section 94.30 - Certain Activities Prohibited**

Rodney Jordan, Police Chief, spoke to this issue. Chief Jordan explained his reason for the proposed change and that the change will basically "clean up" one of the City's existing ordinances. The proposed ordinance amendment reads as follows:

**ORDINANCE  
(O-01-20)**

**AN ORDINANCE AMENDING - TITLE IX: GENERAL REGULATION  
CHAPTER 94 – PARADES AND DEMONSTRATIONS  
SECTION 94.30 – CERTAIN ACTIVITIES PROHIBITED  
OF THE CODE OF ORDINANCES OF THE CITY OF LINCOLNTON**

**WHEREAS**, the City of Lincolnton’s Code of Ordinances currently prohibits the carrying on or about the person of any firearm or any weapon, including but not limited to blackjacks, nightsticks or flashlights which by their use might constitute a deadly weapon, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration; and

**WHEREAS**, the City of Lincolnton’s Code of Ordinances also currently prohibits the taking or keeping of a dog or other animal, whether leashed or unleashed, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration; and

**WHEREAS**, the City of Lincolnton wishes to amend the language to include exceptions to restrictions provided herein.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lincolnton that Title IX: General Regulation – Chapter 94 – Parades and Demonstrations – Section 94.30 – Certain Activities Prohibited is rewritten as follows:

**94.30 CERTAIN ACTIVITIES PROHIBITED**

The following acts or activities, when performed or undertaken in conjunction with or as part of any parade, picket line or group demonstration, are hereby prohibited and declared unlawful:

- (A) The carrying on or about the person of any firearm or any item which by their use might constitute a deadly weapon; or
- (B) The taking or keeping of a dog or other animal, weather leased or unleashed, unless the dog or animal is a certified service animal.
- (C)
- (D) This ordinance would not apply to an individual who possesses a valid concealed carry permit and is carrying the weapon in a concealed manner.

**This Ordinance shall become effective upon adoption. This the 6<sup>th</sup> day of February, 2020.**

**Councilman WATSON made the motion unanimously approved to approve the proposed change amending Title IX: General Regulation - Chapter 94 - Parades and Demonstrations - Section 94.30 - Certain Activities Prohibited.**

**ORDINANCE  
(O-02-20)**

**Consideration of amending the City's Code of Ordinances as Requested by NCDOT; establishing a 45 mph speed zone on US 321 Business**

Steve Zickefoose, City Manager, explained that NCDOT submitted a Certification of Municipal Declaration that enacts a speed zone within the corporate limits of Lincolnton. Included was also a Certification of Municipal Declaration to repeal three Ordinances within the corporate limits of Lincolnton. The action on this request will establish one 45mph speed zone ordinance on US 321 Business.

*No action taken as item will be placed on the March agenda.*

**OTHER BUSINESS**

**One-Stop Voting for Primary Election  
February 13<sup>th</sup> - February 29<sup>th</sup>**

Steve Zickefoose, City Manager, spoke briefly regarding the One-stop voting. Mr. Zickefoose reminded Council that City Hall was approved as a One-stop voting location for the election. Therefore, for information purposes Mr. Zickefoose announced that between February 13<sup>th</sup> and February 29<sup>th</sup> City Hall will be open for One-stop voting.

Mr. Zickefoose informed that staff from the Board of Elections have been in contact and that all arrangements are in place. Council Chamber will be used for voting, and the rear parking lot will be dedicated for that purpose. The one exception will be those needed handicap accessibility. Mr. Zickefoose also confirmed that this service is being provided at no cost to the city.

**Monthly Financial/Overtime Report**

Steve Zickefoose, City Manager, gave the following report:



**PUBLIC COMMENT:**

Mr. Rex Rhyne, 291 Trey Trail, requested to address Council regarding problem/ issue he is seeing with the homeless. He voiced his concern with what he is seeing, some of their undesirable and destructive behavior. As a business owner in the downtown area he is very concerned and wanted to bring attention to the problem.

**NEWS MEDIA:**

**ADJOURNMENT:**

**Councilman JETTON made the motion unanimously approved to adjourn the meeting at 9:05 p.m.**

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**DAPHNE INGRAM  
CITY CLERK**

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**ED HATLEY  
MAYOR**