

REGULAR MEETING - MARCH 5, 2020

The Mayor and City Council met in regular session on Thursday, March 5, 2020 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

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

WHITE

WATSON

EADDY

JETTON

Councilman Watson made the motion, which was unanimously approved, to approve the REGULAR AGENDA.

Councilman Eaddy made the motion, which was unanimously approved, to approve the CONSENT AGENDA as follow:

- Approval of Minutes for the February 6, 2020 Regular Meeting
- Calls to Public Hearing (no calls to Public Hearing for the April meeting)

**(O-02-20)**

- Consideration of amending the City’s Code of Ordinances as requested by NCDOT; establishing one (1) 45 mph speed zone on US 321 Business

**(R-04-20)**

- Surplus handgun and badge for LPD Lieutenant John Caudle - Handgun model 19, Gen 4, Serial Number YCZ908 to be presented to him upon his retirement effective April 1, 2020

**PRESENTATIONS:**

**(R-05-20)**

**PRESENTATION OF RESOLUTION RECOGNIZING AND HONORING LIEUTENANT JOHN CAUDLE ON HIS UPCOMING RETIREMENT**

Mayor Ed Hatley called Lieutenant John Caudle forward and presented the following resolution:

RESOLUTION  
of Appreciation for

JOHN M. CAUDLE

**WHEREAS,** John M. Caudle began employment with the City of Lincoln on November 17, 1993 as a Police Officer with the Lincoln Police Department; and

**WHEREAS,** John M. Caudle has proven his leadership qualities, rising through the ranks in 1999 to Police Sergeant; then in 2017 to Police Lieutenant where he initially served over the Patrol Division for a short time prior to transferring and serving as the Lieutenant for the Investigations Division; and

**WHEREAS,** John M. Caudle, throughout his career, committed to providing the highest level of service through continued training and education completing over 350 hours of leadership management training and obtaining the Advanced Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission; and

**WHEREAS,** John M. Caudle has served as a role model in the Law Enforcement Sector, providing excellent Public Safety to citizens of the City of Lincoln for over twenty six years.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Lincoln that appreciation be extended to John M. Caudle honoring him on his upcoming retirement on April 1, 2020, and that congratulations and best wishes be granted to him for continued success in all his future endeavors.

Adopted and presented this the 5<sup>th</sup> day of March, 2020.

Mayor Hatley, on behalf of the City Council, congratulated Lt. Caudle and thanked him for his dedication to the City of Lincoln. Lt. Caudle thanked his family, Supervisors and co-workers for their support over the years. He especially thanked City Council for all that they have done throughout his career with the City.

**(R-06-20)**

**PRESENTATION OF RESOLUTION RECOGNIZING AND HONORING JO ANNE SIGMON ON HER UPCOMING RETIREMENT**

Mayor Ed Hatley called Joanne Sigmon forward and presented the following resolution:

RESOLUTION  
of Appreciation for  
JO ANNE B. SIGMON

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

**WHEREAS**, Jo Anne B. Sigmon began employment with the City of Lincolnnton on September 29, 1992, and has for 27 years excelled as the only administrative support for the City of Lincolnnton's Water Treatment Plant; and

**WHEREAS**, Jo Anne B. Sigmon throughout her tenure has demonstrated great commitment to her duties and through this commitment has assisted the Water Treatment Plant in its mission of being included in a select group of qualified Water Treatment Plants to receive the Federal EPA "Area Wide Optimization Program" award since 2002; and

**WHEREAS**, Jo Anne B. Sigmon has been described by her supervisors as a dedicated, self-motivated and behind the scenes person who has diligently completed reporting required by the State of North Carolina for the Water and Wastewater Treatment Plants allowing them to maintain their State certified status; while continuously displaying a great work ethic in the performance of her duties, which has earned the respect of her co-workers and the citizens of Lincolnnton.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of Lincolnnton, that appreciation be shown to Jo Anne B. Sigmon, honoring her on her upcoming retirement on April 1, 2020, and that we extend congratulations and best wishes to her for continued success in all her future endeavors.

Adopted and presented this the 5<sup>th</sup> day of March, 2020.

Mayor Hatley, on behalf of the City Council, congratulated and thanked Joanne for her years of dedicated service to the City, stating that she will be very hard to replace. Jo anne thanked Mayor and Council, as well as her co-workers and the various department heads she has worked under while employed with the City. She also acknowledged her position with the City as being the longest tenured position she ever held.

**PRESENTATION TO REQUEST THE CITY OF LINCOLNNTON BE PROCLAIMED** \_\_\_\_\_  
**"HOME OF CATAWBA VALLEY POTTERY "**

Mr. Fred Jarrett, Steering Committee Chair, addressed City Council to request Lincolnnton be proclaimed "HOME OF CATAWBA VALLEY POTTERY". Mr. Jarrett gave a brief summary of the history/origin of the Steering Committee, as well as the committees mission, vision and values. He explained, in detail, the reason for the request and what having this distinction could mean for our city.

In response to the request Mayor Ed Hatley read the following proclamation:

**PROCLAMATION**

**“Home of Catawba Valley Pottery ”**

**WHEREAS**, the rich tradition of Catawba Valley Pottery is defined by its unique and exclusive presence in the Catawba Valley, now known as Lincolnton and Lincoln County; and

**WHEREAS**, the hand dug clay from local sources, the wood fired “groundhog” kiln, and the “wood ash” alkaline glaze used to create Catawba Valley Pottery makes it one of only three distinct and continuously surviving pottery traditions in the United States and the only one that traces its origins to China more than 2,000 years ago; and

**WHEREAS**, our heritage and current culture is shaped by the 18<sup>th</sup> century piedmont settlers and their need for everyday essentials which the Catawba Valley potters produced as sturdy, utilitarian stoneware vessels of clay; jugs for whiskey and syrup, churns, milk crocks, pitchers, and storage jars for meat, fruit and vegetables; and

**WHEREAS**, the Catawba Valley was once dotted with potting sheds and kilns as craftsman turned out vast quantities of quality wares needed by the burgeoning population in the region and the Catawba Valley potters were craftsmen in the tradition of the blacksmith and basket maker meeting the needs of farm families in this isolated area of 18<sup>th</sup> century America and includes recognizable family and place names like Seagle, Hartzog, Ritchie, Hilton, Reinhardt and Propst from its most productive 19<sup>th</sup> century time period; and

**WHEREAS**, Catawba Valley Pottery production almost disappeared after World War II when its utilitarian need was replaced, and the tradition was kept alive by area potters, notably 20<sup>th</sup> century potter and Lincoln County native Burlon B. Craig who worked in the Catawba Valley Pottery tradition after purchasing the Reinhardt property and kiln where he developed a talent for “face jugs” in the African-American slave folk art tradition; and

**WHEREAS**, Burlon Craig and his pottery achieved national and international attention, was featured in publications, added to the Smithsonian Institution collection, received the National Endowment for the Arts' National Heritage Fellowship in 1981 and helped teach, train and promote the Catawba Valley Pottery tradition; and

**WHEREAS**, our rich and diverse heritage is contained in the native pottery and utilitarian arts created by and for its people, through the tradition of Catawba Valley Pottery we celebrate the history of Lincoln County and the City of Lincolnton to help future generations understand their community’s pride of place, honor their arts and acknowledge their roots; and

**WHEREAS**, the Catawba Valley Pottery tradition is renowned nationally and internationally and is unique in its ability to drive tourism and attract visitors to the city and county;

**NOW, THEREFORE WE**, the Mayor and City Council of the City of Lincoln, hereby proclaim the City of Lincoln in Lincoln County as the **“Home of Catawba Valley Pottery”** and we are committed to supporting activities, events and projects that showcase the Catawba Valley Pottery tradition.

At the conclusion of the reading, Councilman Eaddy made a motion to approve the requested proclamation. Motion was unanimously approved.

**PUBLIC HEARING**

(O-03-20)

**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.**

Mayor Ed Hatley opened the public hearing and recognized Mrs. Jean Derby to speak to this issue. Mrs. Derby began explaining that the UDO allows domestic violence shelters for up to 15 people in the R-8 (Single and Two-Family Medium Density Residential) district. Domestic violence shelters are not permitted in other zoning districts. The Lincoln County Coalition Against Domestic Violence is requesting an amendment of the UDO to add Domestic Violence Shelters for up to 35 people as a permitted use in the GMC (General Manufacturing and Commercial) district. She concluded saying that the Planning Board and Staff recommend approval of the amendment as follows:

**An Ordinance to  
Amend the City of Lincoln  
Unified Development Ordinance  
to Allow Domestic Violence Shelters  
as a Permitted Use in the  
General Manufacturing and Commercial  
Zoning District**

**Section 1.** Amend Section 153.031, Definitions of Specific Terms and Words, to modify the definition of the term “Domestic Violence Shelter” as follows. Newly adopted language is underlined and **highlighted in yellow**.

***DOMESTIC VIOLENCE SHELTER.*** A structure providing temporary habitation for not more than 15 people within a Residential District and not more than 35 people within a GMC district. including family members, who are victims of domestic violence.

**Section 2.** Amend Section 153.117, General Manufacturing and Commercial District, to add “Domestic Violence Shelter” as a permitted use in the GMC, General Manufacturing and Commercial District.

Being no questions from Council and with no one requesting to speak, Councilman Jetton made the motion, which was unanimously approved, to close the Public Hearing.

Councilman Eaddy made a motion, unanimously approved, to approve the request to amend Section 153.031 and 153.117 of the Unified Development Ordinance to add domestic violence shelters for up to 35 people as a permitted use in the GMC district.

Councilman Watson made a motion, unanimously approved, to approve request based on the following consistency and reasonableness statement:

Approval of the amendment is reasonable and in the public interest in that additional shelter space is needed for victims of domestic violence and their families. The amendment would increase the potential availability of sites zoned to accommodate domestic violence shelters.

(O-04-20)

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.

Mayor Ed Hatley opened the public hearing and recognized Mrs. Jean Derby to speak to the item. Mrs. Derby stated that the UDO allows sign shops as a permitted use in the General Business (GB) and the General Manufacturing and Commercial (GMC) districts. However, sign manufacturing is not permitted in the Central Business district. Mrs. Derby informed Council of Visual Inceptions request to amend the UDO to add sign printing and manufacturing in the C-B district as a permitted use. She stated that the Planning Board and Staff recommended approval of the amendment with the following stipulations:

- Sign shops in the C-B district will not be permitted in the downtown fire district and
- Sign shops in the C-B district will not be permitted to have any outdoor storage or activities.

Ordinance will read as follows:

**An Ordinance to  
Amend the City of Lincoln  
Unified Development Ordinance  
to Allow Sign Printing and Manufacturing  
as a Permitted Use in the  
Central Business Zoning District**

**Section 1.** Amend Section 153.113 (A) (2), Central Business District, to add “Sign Printing and Manufacturing” as a permitted use in the Central Business District as follows. Newly adopted language is underlined and **highlighted in yellow**.

**Sign printing and manufacturing, outside of the downtown fire district and with no outdoor storage and with all activities conducted indoors.**

**Section 2.** That this ordinance shall become effective upon its adoption.

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

Councilman Jetton made the motion , unanimously approved , to approve the request.

**Councilman Eaddy made a motion, unanimously approved, to approve the statement of consistency and reasonableness for Case# ZTA-2-2020 from applicant Travis Dellinger/Visual Inception as follows:**

**Approval of the amendment is reasonable and in the public interest in that it would allow for potential additional commercial development in Downtown Lincoln. The prohibition against location within the Downtown Fire District will promote public safety and the prohibition against outdoor storage or activities will promote preservation of the character of Downtown Lincoln.**

**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).**

Mayor Ed Hatley opened the public hearing and recognized Mrs. Jean Derby who began by explaining that the subject property is a 0.795 acre site located at 1008 North Aspen Street and that it is zoned GMC, with adjacent properties being zoned RMF and GMC. The property is currently developed with a 2,080 square foot church building. Land uses in the area include multifamily residential, City Park, the American Legion and the National Guard Armory.

Mrs. Derby continued stating that the applicant requests a conditional use rezoning in order to allow for the expansion of the existing church to the rear of the property by approximately 1,500 square feet. The rezoning to RMF would allow for a reduced rear setback of 25 feet instead of 50 feet as required in the GMC District. The current church building would remain the same. Access would be provided by one driveway to North Aspen Street.

Mrs. Derby spoke to compliance with conditional use permit application requirements, the land use plan and the staff review committee comments. She reviewed the required four findings to be determined by City Council and addressed compliance with findings of fact as follows:

- (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) There is not a change of use involved so the use should not have negative impacts on the value of adjoining or abutting properties.

- (4) The use is in compliance with the Lincoln Land Use Plan.

Mrs. Derby concluded stating that Planning Board and Staff recommend the following two actions:

- (1) If the applicant satisfactorily proves the findings of fact, approval of rezoning of the property from GMC to CU-RMF.
- (2) If the applicant satisfactorily proves the findings of fact, approval of the conditional use permit for an expansion of the church subject to ordinance requirements and the Staff Review Committee conditions.

Council had no questions and there was no one wishing to speak for or against the request.

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

**Councilman Eddy made a motion, unanimously approved, to approve the rezoning request**

**Councilman Eddy made a motion, unanimously approved, to approve the statement of consistency and reasonableness of the proposed conditional use rezoning application, Case No. CU-ZMA-3-2020, applicant Jamie Policz, 1008 North Aspen Street, to rezone from GMC to CU\_RMF. Statement reads as follows:**

**Approval of the proposed conditional use rezoning is reasonable and in the public interest in that the proposed use is limited to a church and the proposed expansion is small in scale.**

**Section 153.237 of the UDO requires that four findings be determined by City Council as follows:**

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.

Councilwoman White made a motion, unanimously approved, that the use meets all required conditions and specifications.

Councilman Watson 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.

Councilman Eaddy 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.

Councilwoman White made a motion, unanimously approved, to approve the conditional use permit subject to compliance with ordinance requirements and Staff Review Committee comments

**O-05-20**

**ORDINANCE**

**Consideration of proposed revision to the City 's Code of Ordinances - TITLE VII - Traffic Code - Chapter 74; Schedule 1: Stop Intersections**

Mayor Ed Hatley opened the public hearing, directing Assistant City Manager Richard Haynes to speak to this item. Mr. Haynes explained that due to safety concerns, staff has asked that Council consider installing stop signs where the rail trail intersects Dixon St. and Sumner Street. Signs would face both east and west. Mr. Haynes informed that both the rail-trail committee and concerned citizens have discussed this topic. Ordinance amendment was presented as follows:

**TITLE VII – Traffic Code – Chapter 74  
Schedule 1: STOP INTERSECTIONS**

ADD: East Sumner Street and Marcia H. Cloninger Rail Trail  
*(add stop sign on both the east and west side of the trail)*  
East Dixon Street and Marcia H. Cloninger Rail Trail  
*(add stop sign on both the east and west side of the trail)*

**Councilwoman White made motion, unanimously approved, to close the public hearing.**

**Councilman Eddy made a motion, unanimously approved, to approve the recommended amendment to TitleVII- Traffic Code - Chapter 74**

**C-02-20**

**Consideration of contract between the City and East Coast Pyrotechnics for the 2020 Fireworks Display**

Richard Haynes, Assistant City Manager, presented a contract from East Coast Pyrotechnics for the City's annual 2020 fireworks display held on July 4<sup>th</sup>. Mr. Haynes informed Council that the cost for the show in the proposed contact is the same as last year (\$11,500) He spoke very highly of the quality of the show and the great working relationship staff has with the East Coast representative and staff. Mr. Haynes recommended approval of the contract as staff is very satisfied with this vendor.

In response to questions, Mr. Haynes verified that the design of the show will be similar to 2019 it that it will be mostly aerial so that those outside of the stadium can also enjoy the show.

**Councilman Waston made the motion, unanimously approved, to approve the proposed contact between the City and East Coast Pyrotechnics for the 2020 Fireworks Display .**

**OTHER BUSINES**

**MONTHLY FINANCIAL/OVERTIME REPORT**

City Manager Steve Zickefoose gave the following financial/overtime report:



No questions from the News Media

**CLOSED SESSION**

**Councilwoman White made a motion to enter into closed session in accordance with NCGS 143-318.11(a)(4) to discuss matters relating to the expansion of an industry served by the city and NCGS 143.318.11(a)(5) to discuss property acquisition**

Returning to open session, Mayor Ed Hatley opened the floor for action to be taken on item discussed in closed session.

**Councilman Eaddy made a motion to deny Celadons request to expand their business model requiring a Centralized Waste Treatment permit and that we place them on notice that any further violation of the existing permit will result in an immediate cancelation of such permit.**

**Motion was unanimously approved**

**ADJOURNMENT:**

**Councilman Jetton made the motion unanimously approved to adjourn the meeting.**

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**DAPHNE INGRAM  
CITY CLERK**

**ED HATLEY  
MAYOR**