REGULAR MEETING - JANUARY 5, 2012

The Mayor and City Council met in regular session on Thursday, January 5, 2012 at 7:00 p.m. in the Council Chambers of City Hall, 114 West Sycamore Street, Lincolnton North Carolina. Mayor Gilleland called the meeting to order and thanked everyone for attending our meeting and for their interest in City government.

Those in attendance were:

RHYNE CLONINGER HEAVNER HOVIS

Mayor Gilleland reconvened the meeting by asking those in attendance to stand at Cub Scout pack #76 to lead the Pledge of Allegiance.

Councilman Cloninger made the motion unanimously approved the **REGULAR AGENDA.**

Councilman Rhyne made the motion unanimously approved the **CONSENT AGENDA** as follows:

- Approval of the Regular Meeting – December 1, 2011
  Special Meeting – December 14, 2011

- Approved the following Calls to Public Hearing for the February 2nd City Council meeting:

  CUP-1-2012 - Application from William and Janet Alvey requesting a conditional use permit to use a portion of their commercial property for an accessory residential apartment in the General Business (GB) District. The subject property is located at the southeast corner of North Aspen Street and Mull Road. The address of the property is 2246 North Aspen Street (Parcel ID 21586)

  CUP-1-2007R – Application for renewal of a conditional use permit issued in 2007 from Pegasus Tower Company requesting a conditional use permit to allow for the construction of a 195 feet tall steel lattice communication tower in the Residential-25 (R-25) District. The subject property is located on the west side of Startown Road approximately 1,500 feet south of the intersection of Startown Road and Clarks Creek Road (Parcel ID 15613)

  CUP-2-2012 – Application from Alex Davis requesting a conditional use permit to operate a Business Center/Sweepstakes use in the Planned Business (PB) District. The subject property is located within the Lincoln Center Shopping Center at 128 Sigmon Rd. (Parcel ID 52838)

REGULAR AGENDA:

Consideration of the following Budget Amendments:

(BA-01-12) – $ 22,500 for Stormwater Mapping
(NOTE: 30% of $ 75,000 was not budgeted this fiscal year in the water and sewer fund – 70% was budgeted in Powell Bill Fund)

(BA-02-12) - $ 88,000 Power Secure – Wal-Mart Generator
(NOTE: Transfer from Fund Balance to Electric Fund)

(BA-03-12) - $ 58,800 for Public Service Center Roof Repair
(NOTE: Transfer from Fund Balance to Street, Equipment Services and General Services Capital - Insurance reimbursed $ 28,820.09 in June 2011 with a potential $ 21,500 to be reimbursed ins.)

(BA-04-12) - $ 93,075 for Consulting Fees for Police Department Design ***(transfer funds from Fund Balance to General Fund Consulting Fees)***

(BA-05-12) - $ 8,325 for 2011 Municipal Election and Election Protest ***(NOTE: $ 13,000 was budgeted for this election. The additional cost was due to having a primary election and a general election protest)***

(BA-06-12) - $ 50,160 to fund a School Resource Officer for Lincolnton High School ***(Lincoln County Schools will reimburse 10 months of the total salary to the City for this position)***

Finance Director Georgetta Williams gave council members and overview of each budget amendment after which she opened for the floor for any questions from the council. Mrs. Williams clarified for Councilman Rhyne that the total amount for the school resource officer will be approximately $60,000.00 with the out of pocket cost for the City being $10,000.00. With reimbursement from Lincoln County Schools and funds already available due to vacancies within the department's budget, there will be no cost to the City the first year. Councilman Rhyne also questioned if the County would be willing to help with the miscellaneous expenses associated with this position. Storm Water Mapping funding was also discussed. City Manager Jeff Emory explained that the mapping field work is complete with the next phase being to develop a plan. Mr. Emory went on to explain that the City has not yet officially been identified as a phase II participant but due to census numbers he feels that will happen in the near future. Also Mayor Gilleland directed Mr. Emory to obtain and submit some type of proof that the Wal-Mart generator is operating properly.

Councilman Heavner made the motion unanimously approved the budget amendments as submitted.

REQUEST FOR APPROVAL OF LOVEABLE LINCOLNTON WINE FEST EVENT – SATURDAY MARCH 24TH – SPONSORED BY DOWNTOWN DEVELOPMENT ASSOCIATION

(C-01-12)

Cathy Davis, representative of the DDA Promotion Work Group, began by directing Council to the information submitted by Mr. Brad Guth. Mrs. Davis explained that this event will be a continuation of the Art Crawl scheduled for March 23rd and will also feature artist and vendors. Vendor fees, winery fees and entry fees are involved which makes the event beneficial to the promotions team. Councilman Rhyne questioned the type of communication with business owners regarding another downtown event taken place. Location change was also discussed in an effort to help the business owners. It was also clarified for Councilman Rhyne that malt beverages would not be sold during the event although the contract does allow the sale of beer and wine. Glasses are to be sold for sampling.

Councilman Rhyne made the motion unanimously approved the contract for the Loveable Lincolnton Wine Fest Event on March 24th.

REQUEST FROM DDA TO ASK LINCOLNTON TOURISM DEVELOPMENT AUTHORITY TO SPONSOR BAND FOR 2012 HOG HAPPENIN EVENT - $10,000.00

Cathy Davis addressed Mayor and City Council requesting sponsorship in the amount of $10,000.00 in hopes that a bigger named band may be secured to attract a larger crowd. City Manager clarified that $10,000.00 has been approved in the past however the entire amount was not used. Request is being made for up to the $10,000.00 amount but does not mean that the entire amount will be needed. Mr. Emory also explained that in order to secure band for this event, the request is being made earlier so that the Lincolnton Tourism Development Authority can meet to approve the request for funding. Councilman Rhyne commented on his concern with the amount of money being requested.

Councilman Hovis made the motion that Council give their approval or disapproval on the request made to the Tourism Development Authority from the DDA. Councilman Rhyne asked for clarification on the motion. Motion passed 3 to 1 with Councilman Rhyne voting against the request.

REQUEST FROM HISTORICAL ASSOCIATION FOR FUNDING IN THE AMOUNT OF $2,000.00 FOR 2012 "BATTLE OF RAMSEUR MILL" RE-ENACTMENT

Mr. Jason Harpe addressed Mayor and City Council requesting funding for the celebration and re-enactment of the Battle of Ramseur Mill. Mr. Harpe explained that this event was previously overseen by the Historical Coordinator for the County. Currently the Historical Association and the Historic Properties Commission partner to carry out the event. The County also currently allocates

funds. Mr. Harpe continued by explaining some of the details of what happens at the event before offering to answer any questions Council may have. Mayor Gilleland commented on the event and his desire for its growth. Mr. Harpe spoke to getting the site listed on the National Register of Historic Places in order to possibly get grant funding from the American Battlefield Protection Program for signage and recognitions. The event cost, according to Mr. Harpe, all that is funded.

Councilman Heavner made a motion unanimously approved to fund the $2000.00 request.

REQUEST TO CHANGE POLLING PLACE FOR LINCOLNTON COUTH PRECINCT FROM THE JAMES W. WARREN CITIZENS CENTER TO WILLIAM LENTZ GYM FOR ALL FUTURE ELECTIONS

Mr. Bill Beam, Director of the Lincoln County Board of Elections, spoke to a request to change the polling place for the Lincolnton South precinct. Mr. Beam explained several reasons for this request, one being the poll workers wanting to make the change due to problems they are currently experiencing. They feel this will alleviate confusion, parking issues and that the move will benefit the Lincolnton South precinct voters. Mr. Beam stated the they have visited the facility, meeting with Mr. Richard Haynes and his staff, and feels it would be extremely user friendly.

There were several questions for Mr. Beam as to other locations considered besides the Lentz gym. Councilman Cloninger voiced his concern as to whether or not with this move is in the best interest of the City. Councilman Rhyne was not sure that being several miles away would alleviate the problem with voters that needed to be directed to the Board of Elections office on the second floor of the citizens. He also inquired as to the number of days the facility would be needed and if there had been any discussions regarding the possible July primary which would be held in peak swimming season. Councilman Heavner stated that he did not feel that reasons given to more the precinct warranted request approval. Councilman Rhyne agreed with Councilman Heavner. In answer to Councilman Rhynes question, Mr. Beam informed Council that because of the timeframe involved, a decision is needed as soon as possible.

Councilman Rhyne made the motion unanimously approved to deny the request to move the polling to the William Lentz Gym for future elections.

CONTINUED DISCUSSIONS AND PRESENTATION OF PROPOSED DRAFT ORDINANCE AMENDMENT REGARDING THE KEEPING OF CHICKENS AND GOATS WITHIN THE CITY LIMITS

Planning Director Laura Simmons addressed Mayor and City Council regarding the keeping of chickens and goats within the city limits. Ms. Simmons summarized the initial request submitted for an amendment to the City's Ordinance. She informed Council of the coordination of staff with Lincoln County Animal Control in the development of draft ordinances that, per Lincoln County, could be enforced with their current staffing level at no cost to the City. Ms. Simmons continued stating that if council wishes to proceed, a public hearing would be scheduled for February and

directed Council to the draft language in their agenda, outlining the standards that would have to be met by the animal owner. Changes and/or additions to draft language can be addressed. City Manager Jeff Emory verified that the wording in the draft ordinance would be the wording in the amendment if approved. Much discussion was generated regarding language in the proposal and enforcement of the standards. Ms. Simmons again confirmed that Lincoln County Animal Control would be responsible for the enforcement of the standards outlined and violations will be subject to the officer's judgment. Councilman Hovis voiced his opinion regarding the concerns opponents have regarding the passing of the ordinance.

Councilman Rhyne made a motion unanimously approved to table discussions on keeping chickens and goats in the city limits to the budget retreat in the spring.

UPDATE ON PHASE III OF MARCIA H. CLONINGER RAIL TRAIL AND INGLES

Planning Director Laura Simmons gave Mayor and City Council an update on the progress of the Phase III rail/trail. Ms. Simmons stated that there is a request into Shelby for an extension and are very hopeful and optimistic that request will be granted but have received no official response. The big item being the request to preserve the low bid. The successful bidder has, for now, agreed to this also. Mr. Emory add that staff has spoken to representatives with the School of Government and they feel that keeping the low bid is perfectly legitimate. With Councilman Cloninger clarifying that all dealings with the railroad have bee completed, more discussion was generated regarding all other entities involved. Ms. Simmons clarified that the request to preserve the low bid requires approval from the Federal Highway Administration with that approval coming through the North Carolina Department of Transportation. Mr. Emory reminded Council that this request was submitted several months ago.

Continuing, Ms. Simmons informed Council that confirmation has been received that Ingles has submitted plans for a building permit and has completed roughly 90% of what is required to receive the permit. There is not exact schedule but did indicate that they hope to be under construction later this year which is typically eight months. There were no questions for Ms. Simmons.

DISCUSSION OF FEES ASSOCIATED WITH CITY UTILITY SERVICES

City Manager Jeff Emory spoke to Council regarding the City's deposit fees. Mr. Emory gave Council a brief history as to how the schedule was originally set up and directed them to the information provided. And explained that in recent conversation with Mayor Gilleland there has been several issues with the City's utility fees. Mr. Emory stated that information has been gathered from surrounding cities in order to show how the City's policy compares to those other cities regarding the deposit fee schedule. Additional questions have also been asked that can be provided to Council at a later date. Mayor Gilleland explained that he does understand both sides of the issue but would like to be able to reward the behavior of those that have historically paid on time. Mr. Emory felt that information provided would help answer some of the questions. It was decided that issue would go on the February agenda

Councilman Rhyne addressed the business end of this policy. He questioned why a business that is in good standing would be required to pay a deposit when moving to a different location inside the city limits. Mayor Gilleland again expressed his interest in viewing the information as to how other surrounding cities and towns handle these issues. Georgetta Williams was allowed to explain the reason behind the two month deposit requirement for businesses which is due to the billing cycle the City uses.

CONSIDERATION OF DATED FOR 2012 PLANNING RETREAT – DATED PROPOSED; FRIDAY, FEBRUARY 24TH & SATURDAY, FEBRUARY 25TH OR FRIDAY, MARCH 16TH & SATURDAY, MARCH 17TH

Mayor John Gilleland began stating his desire to move the retreat to Friday & Saturday versus Saturday and Sunday which is the change shown in the dates presented. With no one objecting to the move, Councilman suggested February 24th & 25th. City Clerk Donna Flowers reminded Council that a lot of the information needed will not be available before the February and/or March dates.

Councilman Cloninger made the motion unanimously approved to have the 2012 planning retreat on Friday, February 24th and Saturday, February 25th.

PUBLIC COMMENT

Lori Russell addressed the Mayor and City Council regarding the concern with enforcement of the standards and guidelines that would be outlined in an ordinance amendment if the keeping of chickens and goats are allowed. Ms. Russell explained that she contacted twelve counties with encompassed approximately 16 cities and towns that allow chickens. She listed the questions asked, after which she presented the results of her research.

Lisa Matthews also spoke for an ordinance amendment to allow chickens. She explained that the chicken she kept for 10 years was like a part of her family. She expressed the importance she felt in the raising of her child to grow up with a sense of responsibility in everything including the food that he eats.

Mr. Leatherman addressed the Mayor and City Council regarding the lack of public restrooms in the downtown area. He informed Council that he gets of number of individual coming off the rail-trail looking for a facility. Councilman Rhyne stated that he also has heard the concern and feels that the City is past the time of having some type of public restroom facility in the downtown area. Mayor Gilleland suggested that the issue be discussed at the upcoming planning retreat.

NEW MEDIA

No questions from the news media.

ADJOURNMENT

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

_____	_____
DONNA C. FLOWERS, CMC	**JOHN O. GILLELAND, JR.**
CITY CLERK	**MAYOR**