The Mayor and City Council met in regular session on Thursday, March 1, 2012 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Mayor Gilleland opened the meeting by welcoming everyone and leading the Pledge of Allegiance.

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

Councilman Cloninger made the motion unanimously approved the ***CONSENT AGENDA* as follow:**

- Approval of the following minutes:
  February 2, 2012 Regular Meeting
- Approval of advertisement to appear in the LTN on March 9, 2012 reporting delinquent taxes that are liens on real property within the corporate limits of Lincolnton as per NCGS.105.396(a)
- <u>Calls to Public Hearing for April 5th meeting:</u>

CUP-5-2012 – Application from Piedmont Companies requesting a conditional use permit to construct a 5,100 square foot retail center in the Planned Business (PB) District. The subject property is located on the west side of North Generals Blvd approximately 1000 feet north of the intersection of North Generals Blvd. and Tait Mill Road (Parcel ID 21103)

CUP-6-2012 – Application from the Charlotte Mecklenburg Hospital Authority requesting a conditional use permit to construct a new medical office building in CU-OI District. The building will be constructed on the existing hospital property located north of the intersection of McAlister Road and Medical Center Drive (Parcel ID 25176)

***REGULAR AGENDA*:**

<u>EARTH HOUR PROCLAMATION:</u>

Mayor John Gilleland recognized four students from Lincolnton High School. Students were asked to come to the front and were presented a a proclamation proclaiming March 31, 2012 as Earth Hour in the City of Lincolnton and urging all citizens and businesses to turn off all nonessential uses of electricity, joining the efforts to help tap the greatest source of low cost, clean energy, conservation.

Mayor Gilleland asked City Manager Jeff Emory to make of the date and time of this event and to ensure that the City departments participate.

PUBLIC HEARINGS:

APPLICATION FROM GAYLAIN'S HOUSE OF HOPE, REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A GROUP HOME FOR WOMEN IN RECOVERY FROM SUBSTANCE ABUSE IN THE RESIDENTIAL-OFFICE (R-O) DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF MCBEE STREET APPROXIMATELY 200 FEET WEST OF THE INTERSECTION OF NORTH CEDAR STREET AND MCBEE STREET. THE ADDRESS OF THE PROPERTY IS 322 EAST MCBEE STREET. PARCEL ID 01114:

CUP-3-2012

Mayor Gilleland opened the public hearing. Administrative Assistant Daphne Ingram administered the oat to all those wishing to speak for or against the request.

Laura Simmons, Planning Director, reviewed the request stating that R-O district allows the use subject to a conditional use permit being issued by City Council. Similar use was permitted in 1993 and again in 2006 for seven adult beds and one full-time employee. Ms. Simmons stated that the last use of the property was for a temporary homeless shelter.

Property is approximately 0.42 acres and is occupied by a two-story framed house that is approximately 4000 sq. ft. Land uses are mixed and the subject property as well as adjacent properties are zoned R-O.

Ms. Simmons continued stating that the applicant is requesting use of the existing structure for a group home for up to eight residents along with an on-site manager at all times. No exterior improvements will be made with the exception of a fence between the adjacent property and the single family house located to the west. No interior improvements will be made unless mandated by the state. Church would have to approve any cosmetic changes. There are no plans for a sign or to change the parking lot. Application meets all UDO required terms and specifications.

Upon conclusion of review, Ms. Simmons stated that both the planning board and staff recommendation is to recommend approval of the application for the conditional use permit subject to the staff review committee comments. Councilman Cloninger asked if there were any problems in the past when similar use was permitted. Ms. Simmons replied that Chief Jordan was not aware of any problems that was attributed to permitted use.

Mr. Chris Brogden spoke against the request. Mr. Brogden began by thanking Council for the opportunity to speak. Mr. Brogden owns the home, which is a single family rental property, to the west of the site and feels that the use does have a negative impact on adjoining property. He is also concerned with the integrity of the park and the risk of potential problems.

In closing, Mr. Brogden asked that if the request was approved that Council do so with the included condition of a privacy fence being installed at the back of the property.

Ms. Emma House, Father Miles Smith and Mr. Kevin Oliver all spoke in favor of the request. Ms. House noted that she has been involved each time a request has been submitted and is not aware of any complaints or problems when the use was permitted. She also spoke to the lack of this type facility and need for this type of home for successful recovery. Councilman Cloninger questioned who would be responsible to the installation of the fence. Father Smith spoke to that concern.

Father Smith addressed Council stating that he was very proud for the possibility of having this service returned to St Luke's House. He confirmed that the church has a verbal agreement with Mr. Brogden to install a fence if request is approved. Councilman inquired as to how clients were obtained and how the program operated. Father directed that question to Mr. Kevin Oliver.

Mr. Ken Oliver, Executive Director for Phoenix Counseling and Crises Center, explained the program as being referral based. Individuals are voluntarily seeking assistant. Program will be a part of the outpatient program here in Lincolnton and will be very structured around treatment. The intent is to incorporate a safe place for women to provide recovery within themselves as well as provide outpatient treatment and to be a part of the community. To incorporate all aspects of life. Transportation will be provided by staff. Mr. Emory asked how long the women would stay on average. Mr. Oliver stated that the average length of stay was about six months.

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

Councilman Heavner made the motion unanimously approved to consider the request for the conditional use permit.

Findings of Fact:

1. Councilman Cloninger made the 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. Councilman Hovis made the motion unanimously approved that the use meets all required conditions and specifications.

3. Councilman Heavner made the 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 Rhyne made the 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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Cloninger made the motion unanimously approved to approve the conditional use permit provided the condition of installing a fence is met. In making the motion Councilman Cloninger commented on how wonderful it is for the church to provide this service to the community.

APPLICATION FROM HARVEST PRESBYTERIAN CHURCH REQUESTING A CONDITIONAL USE PERMIT FOR AN EXPANSION OF A CHURCH LOCATED IN THE RESIDENTIAL-15 (R-15) DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF LITHIA INN ROAD APPROXIMATELY 350 FEET NORTH OF THE INTERSECTION OF LITHIA INN ROAD AND COUNTRY CLUB ROAD. PARCEL ID 55846:

CUP-4-2012

Mayor Gilleland opened the public hearing and directed anyone signed to speak be sworn in.

Planning Director Laura Simmons reviewed the application for a conditional use permit requesting to expand the existing facility adding 1,960 square feet. Churches are permitted in this district. The property is 3.68 acres. The existing resident will be demolished while the other to structures will remain. The proposed addition will adjoin the larger of the two remaining buildings and will front Lithia Inn Road. Ms. Simmons continued with staff review comments which included reimbursement to the City if damage is done to Lithia Inn Road. Any onsite lighting installed must be downwardly directed, plans submittal to the County, installation of 5 foot sidewalks along Lithia Inn Road within a 10 foot utility easement. Also any changes to onsite utilities must be approved by public works and plans must be reviewed by fire inspector.

Ms. Simmons stated that the UDO does require that four findings must be determined by Council in order to grant the conditional use permit.
The Planning Board and staff recommend approval of the request to allow the expansion on the condition that the missing items required are provided and subject to the staff review committee comments.

Upon conclusion of the review of the application by Ms. Simmons, Councilman Cloninger if there was an opposition from neighbors in the area. Ms. Simmons responded that no speakers, other than those from the church, attended the planning board meeting regarding this request.

Pastor Dion Marshall, pastor of Harvest Church, spoke in favor of the application. The pastor explained that the addition will basically be a new entrance for the building having a stone front. Their main focus is a better curb appeal. Pastor Marshall continued stating that future plans, as the grow, is to construct a new sanctuary going away from Lithia Inn behind the new rock entrance. There will also be a new rock sign installed as well. There were no questions for the pastor.

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

Councilman Rhyne made the motion unanimously approved to consider the conditional use permit request.

<u>Findings of Fact:</u>

1. Councilman Cloninger made the 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. Councilman Hovis made the motion unanimously approved that the use meets all required conditions and specifications.

3. Councilman Heavner made the 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 Rhyne made the 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

Councilman Rhyne made the motion unanimously approved to approve the conditional use permit for the expansion of Harvest Church provided that all staff and planning board conditions are met.

PROPOSED AMENDMENT TO THE CITY'S CODE OF ORDINANCES – FEE SCHEDULE; UTILITY DEPOSITS (ALLOWING RENTERS HAVING 24 MONTHS OF GOOD PAYMENT HISTORY WITH THE CITY WILL ALSO BE EXEMPT), COMMERCIAL LIGHTING REBATE, EXTRA FACILITIES CHARGE:

Mayor Gilleland recognized City Manager Jeff Emory to speak to this item. Mr. Emory explained that each of these items were discussed at the last City Council meeting however because it is a fee schedule change, a public hearing is required. Mr. Emory stated that action is applied to be taken after hearing is closed with only one motion covering all three items.

Mayor Gilleland, acknowledging his failure to open the Public Hearing, opened the Public Hearing. With on one wishing to speak to this item, and no questions from Council, Councilman Cloninger made the motion unanimously approved to close the Public Hearing.

Some discussion was generated with Councilman Cloninger asking how the public will be informed of these changes other than the new media. Mr. Emory stated that information can be made available at the utility billing counter, placed on the City's website, as well as placed in the newspaper if Council wishes.

Mayor Gilleland noted the change relating to renters with 24 months of good payment history and questioned how what will be defined. Mr. Emory and City Attorney stated that the words "no late payments or default fees" should be added defining good payment history.

Councilman Cloninger made the motion unanimously approved to approve amendment to the City's Code of Ordinances – Fee Schedule

PROPOSED CONTRACT BETWEEN THE CITY AND LINCOLN COUNTY FOR FACILITIES CHARGE FOR LIGHTING AT GASTON COLLEGE – LINCOLN CAMPUS:

(C-02-12)

City Manager Jeff Emory explained that this item was also on last month's agenda with Council electing to wait until Ordinance was actually amended before taking action. Mr. Emory continued stating that contact is an agreement with Gaston College pertaining to the lighting and includes all lots. The contract was drafted by the City Attorney. Mr. Emory reminded Council that Gaston College requested this arrangement. They are agreeing to pay an extra facilities charge while the City agrees to maintain all of the lighting in the lots. If adopted contact will be forwarded to Lincoln County and to Gaston College to be executed. There were no question for Mr. Emory on this item.

Councilman Heavner made the motion unanimously approved to approve contract between the City and Lincoln County for facilities charge for lighting at Gaston College.

DISCUSSION OF DATES FOR BUDGET WORK SESSION:

Mayor Gilleland called on Mr. Emory to speak to this item. Mr. Emory apologies for there being no backup and or possible dates provided for council. Mr. Emory stated that typically the budget work session is scheduled anytime from mid to late April, with the proposed budget being presented in May. Council may have as many budget works sessions as they would like before adoption of the budget.

Mr. Emory went on to say that he is currently working with staff to put a draft together. If date between mid to late April is selected, Council would still have two months to have as many budget work sessions as they wish. Mayor Gilleland suggested the third week in April. Councilman Cloninger reminded Council of the Rotary Auction scheduled for the 19th, 20th, and 21st.

Budget work session was scheduled for Monday, April 16, 2012 at 6:30 pm in the Council Chambers of City Hall. The City Clerk was directed to advertise accordingly for this meeting.

PUBLIC COMMENT:

No one spoke during the Public Comment portion of the meeting.

NEWS MEDIA:
There were no questions from the new media.

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

NOTE: Minutes were taken and submitted by Daphne Ingram through the City Clerk in her absence.

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