

REGULAR MEETING - JUNE 7, 2012

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

RHYNE CLONINGER HEAVNER HOVIS

Mayor Gilleland called the meeting to order and led the Pledge of Allegiance. He thanked all those in attendance for attending the meeting tonight and for their interest in City government.

Councilman Rhyne made the motion unanimously approved the **Regular Agenda**.

Councilman Cloninger made the motion unanimously approved the **Consent Agenda** as follows:

- Approved Minutes of the following meetings:
 - April 5th, 2012 – Regular Meeting
 - April 16th, 2012 – Budget Work Session
 - May 22nd, 2012 – Special Meeting
- Approved the following Calls to Public Hearing for the July 5th regular meeting:
 - CUP-8-2012 – Application from Murphy Oil, USA requesting a conditional use permit in order to construct an express/fuel/mini mart in the Planned Business (PB) District. The subject property is located on the west side of North Generals Blvd. approximately 900 feet south of the intersection of North Generals Blvd. and Sigmon Road (Parcel ID # 52843)
- Approved Budget Amendment (BA-07-12) – 2011-2012 Fiscal Year End
- Approved (C-13-12) contract between the City and Mark Knuckles Associates, Inc. for Annual Compliance Watch Consultation Services
- Approved (C-14-12) contract between the City and EAP & Counseling Associates for Employee Assistance Program

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REGULAR AGENDA:

APPLICATION FROM JAMES L. COOK REQUESTING THE CONDITIONAL USE REZONING OF 0.58 ACRES OF LAND FROM RESIDENTIAL-25 (R-25) TO CONDITIONAL USE GENERAL MANUFACTURING COMMERCIAL (CU-GMC). IF APPROVED, A FABRICATION SHOP WOULD BE LOCATED ON THE PROPERTY. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF WEST NC HIGHWAY 150 APPROXIMATELY ½ MILE WEST OF THE INTERSECTION OF WEST NC HWY 150 AND LABORATORY ROAD. (PARCEL ID 19632):

CU-ZMA-1-2012

Laura Simmons, Planning Director reviewed the application from Mr. Cook for the above referenced request for a conditional use general manufacturing commercial zoning map amendment. She said Mr. Cook proposes reuse of the former TV repair shop as a metal fabrication shop with expansion into the former restaurant building as needed, access would be provided by the existing gravel driveway to Highway 150.

Laura said the staff review committee recommended that a requirement be included for a change of occupancy permit from Lincoln County Building Inspection. She concluded recommending on behalf of Planning Board and Staff that the property be rezoned from R-25 to CU-GMC and that the CUP for re-use be approved subject to the change of occupancy permit being acquired from Lincoln County.

Mr. James Cook, the applicant, spoke in favor of the request and offered to answer any questions that Council had.

Having no questions, Councilman Cloninger made the motion unanimously approved to close the Public Hearing.

Councilman Heavner made the motion unanimously approved to consider the conditional use as presented.

Findings of Fact:

1. Councilman Heavner made the motion unanimously approved that the use will not materially endanger the public health or safety.
2. Councilman Hovis made the motion unanimously approved that the use meets all required conditions and specifications.

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3. Councilman Cloninger made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property.
4. Councilman Rhyne made the motion unanimously approved that the location and character of the use, if developed according to 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 Rhyne made the motion unanimously approved to rezone the property from R-25 to CU-GMC contingent upon the staff review committee comments being met.

PUBLIC HEARING TO RECEIVE COMMENT ON PROPOSED AMENDMENTS TO THE LINCOLN COUNTY SOLID WASTE PLAN (ACTION WILL INCLUDE ADOPTING R-02-12 – ENDORSING THE SOLID WASTE MANAGEMENT PLAN):

(R-02-12)

Mayor Gilleland opened the Public Hearing. Jason Wager, Sustainability Program Manager Centralina Council of Governments spoke to Council regarding the proposed Solid Waste Plan. He presented a resolution, which if adopted would endorse the 2012 Solid Waste Management Plan for Lincoln County. Mr. Wager told Council that he along with Lincoln County and City staff have been working to put the revised plan together for the past couple years.

He said in accordance with NCGS 130A-309.09A(b) each unit of local government, either individually or in cooperation with other units, is required to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years. A long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively was the ultimate goal and he feels this revised plan completes this goal.

Councilman Rhyne referenced pages 11 & 12 of the plan, and generated some discussion and explanation from Mr. Wager.

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Upon conclusion of discussion, Councilman Rhyne made the motion unanimously approved to close the Public Hearing.

Cloninger made the motion unanimously approved to adopt the resolution (R-02-12) thereby adopting the Solid Waste Plan, effective July 1, 2012 through June 30, 2022.

PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED 2012 – 2013 FISCAL YEAR BUDGET. NOTE: ACTION ON THIS ITEM, AFTER CLOSING THE PUBLIC HEARING, INCLUDES ADOPTING THE BUDGET ORDINANCE (O-04 -12) AND 2012-13 SCHEDULE OF FEES

(O-03-12)

Mayor Gilleland opened the Public Hearing. City Manager Jeff Emory presented the revised numbers to the original budget ordinance. He stated the total 2012-13 budget was \$ 28,064,866.00.

After some discussion by Council, Mr. Robert Tomlinson spoke regarding the budget for the Business & Community Development Department. He asked what the tax payers were receiving from that department for their money. He said he is against funding that department as we are duplicating services that the Chamber of Commerce and LEDA already provide. He asked that the job description for the Director's position be re-accessed and maybe the position could be eliminated and brought under another organization as a cost savings to the City.

Having no others to speak to the Public Hearing, Councilman Cloninger made the motion unanimously approved to close the Hearing.

Councilman Cloninger made the motion unanimously approved to adopt the 2012-13 budget as proposed.

Councilman Cloninger stated he felt the City Manager had done a superb job for bringing together a budget in these hard economic times.

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PROPOSED POLICY REGARDING RETIREMENT RECEPTIONS FOR CITY EMPLOYEES:

(P-09-12)

City Clerk Donna Flowers presented a policy to Council proposing that recognition procedures be considered and put in place to equally recognize full time City work force in a consistent manner upon their retirement. She explained to date a current retirement reception could range in cost from \$ 2000 to \$ 2500 per retiree and some employees indicate they would rather not have a formal reception. She said Police Officer and Fire Fighters currently are presented their service revolvers or bronze helmets, those items are in addition to what is currently provided to all other full time employees.

The proposed policy if implemented would be a cost savings to the City and equally recognize full time City employees as follows;

Administrative Policy – No. 9 – Procedures for Recognition of Employee Retirement

5 – 14 years of service	\$ 300
15 – 19 years of service	\$ 450
20 - 24 years of service	\$ 600
25 – 30 years of service	\$ 800
30+ years of service	\$ 1,000

(These amounts are based on years physically worked, not with accumulated sick leave or vacation added)

Section I. Intent

If approved the Mayor and City Council would recognize a full time City employees retirement in a fair and equitable way to all departments and positions throughout the City. Human Resources shall be responsible for contacting the City Clerks office with the retirees full name, department, job classification, original hire date and proposed date of retirement, once retirement paperwork is completed.

Section II. Criteria

Upon retirement from the City of Lincolnton, the employee shall receive a gift from the City based on the employee's total years of service with the City of Lincolnton according to the above schedule. The dollar amount on the schedule may be adjusted for inflation by the City Manager based on the published rate of inflation. Additionally, the employee will receive a Resolution of Appreciation from the City Council and be recognized at the Council meeting immediately prior to their retirement.

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In order for an employee to become eligible for a retirement gift or check, the employee must be eligible to receive full, reduced or disability retirement benefits from the North Carolina Local Government Employees' Retirement System.

The retiring employee will receive a Resolution of Appreciation recognizing years of service, (a firemen's bronze helmet, ax, or police officer's hand gun) and a cash gift with the value of both totaling the amount listed above. Gifts should not exceed the dollar amount listed above.

Councilman Rhyne made the motion unanimously approved to adopt the policy as presented to become effective July 1, 2013.

CONSIDERATION OF APPROVAL OF RESOLUTION - CITY OF LINCOLNTON – 2012– 2013 SALARY SCHEDULE / SCHEDULE OF BUDGETED POSITIONS:

(R-03-12)

Jeff Emory, City Manager said the proposed salary schedule and schedule of budgeted positions reflects no new positions to the City's workforce. He commended the City departments for doing more with the same number of people. He recommended approval of a resolution by which adopts the proposed salary schedule as follows:

WHEREAS, the proposed 2012-2013 fiscal year budget has been prepared by the City Manager and presented to the Mayor and City Council; and

WHEREAS, the proposed 2012-2013 fiscal year budget included a recommended salary schedule and schedule of budgeted positions; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincolnton adopts the "Salary Schedule", and "Schedule of Budgeted Positions", as attached to this resolution, for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

Adopted this the 7th day of June 2012.

Councilman Heavner made the motion unanimously approved to adopt the resolution as recommended.

Councilman Heavner said also beginning July 1, 2013 the City of Lincolnton will no longer pay for family insurance for new hires after July 1st, 2013. The City Manager confirmed that was his proposal in the proposed budget.

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ORDER OF COLLECTION FOR 2012-2013 TAXES:

Jeff Emory, City Manager presented the Order of Collection for taxes for 2012-13 budget year as proposed by Lincoln County. He said the order reads as follows: Pursuant to North Carolina General Statute #105-321(b), Lincoln County would be authorized by the City to collect the taxes set forth in the tax records filed in the Office of Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the City of Lincolnton, and the order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Councilman Cloninger made the motion unanimously approved to adopt the Order of Collection as submitted.

UPDATE FROM PLANNING DEPARTMENT ON PHASE III OF RAIL TRAIL & INGLES:

Laura Simmons, Planning Director gave a brief update on the status of the rail trail. She said the Planning Department has received approval from the State of the revised construction plans for Phase III and the anticipated schedule is as follows; June 21 – Bid Opening, July 5 – Approval of contract by City Council, July 23 – Begin Work, November 15 – Completion Date.

Laura discussed several issues of concern that Mr. Adams who lives along Phase III has had regarding trail construction and potential fencing needed for Phase III. She is to keep Council updated as progress begins on and along the trail.

Laura updated Council on Ingles. She said Ingles Corporate officials have indicated that they are still planning to build on the site located off of East Main Street here in Lincolnton. Currently they have been focused on completing a central warehousing facility located in North Carolina but assured her plans are still viable for a store to be built in Lincolnton.

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PUBLIC COMMENT:

No one spoke under the public comment portion of the meeting.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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