# REGULAR MEETING - JULY 5, 2012

The Mayor and City Council met in regular session on Thursday, July 5, 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 and welcomed all in attendance for their interest in City government. He led everyone in the Pledge of Allegiance.

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

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

- Approved Minutes of the following meetings:
  May 3, 2012 – Regular Meeting
  May 14, 2012 – Budget Worksession
  June 7, 2012 – Budget Work Session
- Approved a Proclamation declaring July 1 – 14, 2012 "Independ*ents* Days" in Lincolnton – promoting shopping at independent businesses throughout Lincolnton
- Approved agreement (C-15-12) between the City and Centralina Council of Government Regarding Rural Planning Organization (RPO) for 2012-13

***REGULAR AGENDA***

**APPLICATION FROM MURPHY OIL, USA REQUESTING A CONDITIONAL USE PERMIT IN ORDER TO CONSTRUCT AN EXPRESS/FUEL/MINI MART LOCATED 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)**

**CUP-8-2012**

Mayor Gilleland opened the Public Hearing. The City Clerk administered the Oath to all those wishing to speak for or against the issue.

Planning Director Laura Simmons reviewed the request from Murphy Oil, USA for a conditional use permit to construct an express fuel/mini mart in the

(PB) Planned Business District. The property is approximately 1.1 acres located on the West side of Generals Blvd. The site is located south of Zipper's Restaurant within the existing parking lot of the former Wal-Mart in the Lincoln Center.

Laura reviewed the proposed site plan, Water Supply Watershed Compliance as well as the permit application requirements, staff review committee comments and concluded noting the application, if approved, would be in compliance with the (LUDO) Lincolnton Unified Development Ordinance.

Laura did note that a utility plan for water, sewer and electrical would be required as per the LUDO prior to issuance of a conditional use permit.

Councilman Rhyne asked about parking requirements that may be needed for this use versus the existing building. Laura told him ample parking is available and is permissible based on requirements.

Julie Holmes, representing the applicant Murphy Oil, spoke in favor of the request. She said, "I am happy to be a part of another venue that citizens can purchase gas".

Robert Tomlinson, spoke in favor of the request. He said, "I am always pleased to see new business coming into town". He noted the number of businesses that have closed in Lincolnton over the past year. He concluded asking, "What role, if any, did Brad Guth play in your decision to locate in Lincolnton?".

Having no others requesting to speak to this item, Councilman Cloninger made the motion unanimously approved to close the public hearing.

Council Heavner made the motion unanimously approved to consider the conditional use permit.

**<u>Findings of Fact:</u>**

(1) Councilman Heavner made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.

(2) Councilman Hovis made the motion that the use meets all required conditions and specifications.

(3) Councilman Cloninger made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property or 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 plan as submitted and approved, would 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 City Council.

Councilman Rhyne made the motion unanimously approved to approve the conditional use permit as requested and recommended subject to submittal of utility plans and the Staff Review Committee.

**PRESENTATION OF A SPECIAL COMMENDATION TO LINCOLNTON VOLUNTEER FIREFIGHTER TOM MONTGOMERY :**

Mayor Gilleland called on Fire Chief Mike Lee to recall the life saving event that occurred on March 4, 2012, by firefighter Tom Montgomery, who was first responder to an unresponsive patient, Mr. John Elmore, at Aldi located off N. Aspen Street.

Chief Lee presented a Medical Life Saving Award to volunteer firefighter Tom Montgomery. Mayor Gilleland also presented a special commendation award to Mr. Montgomery on behalf of City Council. Mr. Elmore and his family were in attendance and expressed appreciation to Mr. Montgomery as well.

**CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – AWARDED TO THE CITY FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION** ***(Note: This is the 22$^{nd}$ consecutive year Lincolnton has received this award)***

Mayor Gilleland presented a plaque provided by the Government Finance Officers Association for the Certificate of Achievement in financial reporting for the 2011-12 fiscal year.

Mrs. Georgetta Williams, Finance Director, Myrl Peeler, Utility Billing Supervisor, along with Denise Coltrane, Dawn Cornelius and Jennifer Phillips were on hand to receive the award. Mayor Gilleland and Council members commended the Finance Department for their hard work and commitment in attainment of this prestigious award. Mrs. Williams thanked her staff noting it would not be obtainable without their assistance.

**CONSIDERATION OF ONE YEAR EXTENSION TO THE CURRENT WATER AGREEMENT BETWEEN THE CITY AND LINCOLN COUNTY** ***(Addendum to extend current contract on a month to month basis for a one year period)***

**(C-16-12)**

Jeff Emory, City Manager told Council that the current water agreement between the City and Lincoln County is for a one year period. Lincoln County has recently requested that the City consider renewing the contract effective July 2012, on a month to month basis for a one year period. As Lincoln County continues to explore future options for providing water to its residents, the County Manager has verbally expressed interest of further discussions with the City regarding the purchase of additional water from the City. Hopefully these discussions could take place within the next several months and could produce a permanent agreement.

Councilman Heavner made the motion unanimously approved to draft an addendum to the current contract, noting that the agreement continue on a month to month basis for a one year period.

**CONSIDER AWARDING CONTRACT FOR COMPLETION OF PHASE III OF THE MARCIA H. CLONINGER RAIL TRAIL TO EAGLEWOOD, INC. FOR $ 275,658.62 :**

**(C-17-12)**

Laura Simmons, Planning Director told Council that a bid opening was held on June 21, 2012 at 2:00 p.m. for the construction of Phase III of the rail trail. Three bids were received, with Eaglewood, Inc. located in Denver submitting the lowest bid of $ 275,658.62.

Included with this bid was the demolition of the building located on the city owned parcel abutting City Park, located off of N. Aspen Street. Laura concluded recommending approval of the contract with Eaglewood, Inc. subject to NCDOT concurrence.

Councilman Cloninger made the motion unanimously approved to enter into the contract as recommended, subject to approval from NCDOT.

**<u>AGREEMENT (MEMORANDUM OF UNDERSTANDING) BETWEEN THE CITY AND CENTRALINA COUNCIL OF GOVERNMENT – CONNECT CONSORTIUM'S PROGRAM:</u>** ***(No monetary amount required)***

**(C-18-12)**

George Arena, County Commissioner, was scheduled to speak to this item but was unable to attend the meeting. Planning Director Laura Simmons and Council Devin Rhyne gave Council a brief update on the memorandum of understanding for the CONNECT Consortium membership for the City of Lincolnton.

The MOU commits the City to participating as a member of CONNECT Consortium in the development of the "CONNECT" Our Future" Regional Strategic Framework (the Framework) incorporating regional and local plans to support vital communities, economic growth, improved quality of life and environment, and efficient public investments, with funding provided in part from a Program grant (the Grant). The MOU also recognizes CCOG as Lead Applicant and Project Manager, and CRCOG as Lead Partner for the Grant solely as a benefit and convenience to the City and does not hold either party liable in any manner in such capacity. The agreement (MOU) will become effective upon adoption through March 31, 2015, and is renewable upon written mutual agreement among said parties.

Councilman Cloninger made the motion unanimously approved to enter into the Memorandum of Understanding as recommended by the Planning Director.

**<u>APPOINTMENTS TO CONNECT CONSORTIUM (CENTRALINA COUNCIL OF GOVERNMENTS):</u>**

**(APPT-03-12)**

Councilman Rhyne made the motion unanimously approved to appoint (a) Laura Simmons, Planning Director as the primary City representative, and Zoning Administrator Mark Carpenter as alternate, to serve on the CONNECT Consortium.

Councilman Heavner made the motion unanimously approved that Councilman Rhyne be the primary appointment to CONNECT Consortium, representing the City. There were no nominations or volunteers for an alternate appointment.

**APPOINTMENT TO THE LINCOLNTON HOUSING AUTHORITY** *(Note: This Appointee will fill an unexpired term of a recently deceased LHA Board Member)* **The unexpired term will end December 2012.**

**(APPT-04-12)**

Mayor Gilleland entertained a motion for appointment of Chaddie Law, (one applicant received) to serve the unexpired term of Ms. Earline Johnson on the Lincolnton Housing Authority.

Councilman Hovis made the motion unanimously approved to appoint Ms. Law, effective July 2012 with her term expiring in December of 2012. Ms. Law would be eligible for appointment for a first three year term beginning January 2013 should she apply.

**APPOINTMENT TO THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY:** *(Note: This appointment will be to fill the unexpired term of Ms. Anders – Comfort Inn)*

**(APPT-05-12)**

Mayor Gilleland entertained a motion to appoint Ms. Fran Manley to the Lincolnton Tourism Development Authority to serve the unexpired term of Sherry Anders.

Councilman Heavner made the motion unanimously approved to appoint Ms. Manley, effective July 2012 with her term expiring in December 2012. Ms. Manley would be eligible for appointment for a first three year term beginning in January 2013 should she apply.

**PROPOSED AMENDMENT TO THE CITY'S PERSONNEL POLICY – REGARDING RETIREE INSURANCE FOR NEW HIRES ON OR AFTER JULY 1, 2012 (CITY EMPLOYEES)–** *( recommend the years of service required to receive insurance benefits be changed from 20 to 25, and for disability retirees from 10 to 15 years)*

**(Personnel Policy Change)**

Jeff Emory, City Manager told Council that this item was discussed at length at this year's Planning Retreat. He proposed changes to the current benefits as follows; Retiring employee from the City with twenty or more years of service shall receive the same health insurance coverage provided to full-time employees. Change from twenty years to twenty-five years of service.

Disability status currently reads ten or more years of service required to receive the same insurance benefit. He proposed this change from ten to fifteen years.

Jeff stressed the proposed changes would only be applicable to employees hired after July 1, 2012, not employees currently working for the City.

Councilman Cloninger made the motion unanimously approved to amend the language as recommended by the City Manager.

**PROPOSED ACTION ON ADMINISTRATIVE POLICY; AMENDING CURRENT LANGUAGE TO STATE BEGINNING EFFECTIVE JULY 1ST, 2012 *NEW HIRES* (CITY EMPLOYEES) WILL BE RESPONSIBLE FOR PAYING DEPENDENT INSURANCE COVERAGE:** *(Administrative Policy Change)*

**(P-11-12)**

City Manager Jeff Emory recommended that Council consider no longer paying dependent insurance coverage for City employees who are hired after July 1, 2012. This change would result in a cost savings to the City and will be reflected through future premiums.

He asked that this item be formally approved by Council in order for the City to have official record of the change.

Councilman Rhyne made the motion unanimously approved that the City will no longer pay for dependent health coverage of employees hired after July 1st, 2012.

**UPDATE ON DISCUSSIONS REGARDING SIDEWALK INSTALLATION ON AND AROUND NEWBOLD STREET:**
***(Proposal includes three phases – total cost of $ 137,000 as proposed from Skidmore Construction, Inc.)***

Jeff Emory, City Manager told Council that he has received quotes on sidewalk work for the Newbold neighborhood. Mr. Peeler, Public Works Director, received estimates including three options for sidewalk installation. They are as follows: From Newbold to East Main Street to Timken Drive would be

$ 33,800. To go along Timken Drive the cost would be $ 22,200. From Timken Drive all the way to Wal-Mart would be an additional $ 83,000. The total estimate of all three sections would be approximately $ 137,000. This estimate was provided Lee Skidmore Construction.

Jeff recommended that Council authorize staff to proceed having the work completed, installing sidewalk from East Main Street to Timken Drive on Newbold Street, and then from Timken Drive to Generals Blvd. at a cost of $ 54,000 for this fiscal year. Then complete the remaining sidewalk in next fiscal year's budget.

This item generated some discussion. In conclusion Councilman Rhyne asked that the City get three quotes to see if the work could be completed cheaper. Councilman Rhyne also asked about the total linear feet of this project. Mr. Emory said he could get that information and report back with other quotes for this proposed sidewalk at a future meeting.

**PUBLIC COMMENT:**

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

**NEWS MEDIA:**

There were no questions from the News Media.

**ADJOURNMENT:**

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

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| **DONNA C. FLOWERS, CMC**<br>**CITY CLERK** | **JOHN O. GILLELAND, JR.**<br>**MAYOR** |