

REGULAR MEETING - JANUARY 10, 2013

The Mayor and City Council met in regular session on Thursday January 10, 2013 at 7:00 p.m. in the Council Chambers of City Hall.

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

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

Councilman Cloninger made the motion unanimously approved to adopt the *CONSENT AGENDA* as follows:

- Approved December 2012 regular meeting minutes.
- Approved the following Call to Public Hearing for the February 7th meeting:
ZTA-1-2013 - Application from Bryan McClure owner of Iron Station Thunder requesting an amendment to Section 153.113 of the Lincolnton Unified Development Ordinance. The proposed amendment would allow "Motorcycle Sales" as a permitted use in the Cenrtal Business (CB) District.
- Approved (C-01-13) Agreement between the City and Lincoln County - Automatic Aid Agreement and Mutual Assistance Contract (*Contract effective December 15th, 2012 through June 30, 2013*)

REGULAR AGENDA:

TO RECEIVE PUBLIC COMMENT ON THE PROPOSED LINCOLNTON URBAN AREA COMPREHENSIVE TRANSPORTATION PLAN. THE NC DEPARTMENT OF TRANSPORTATION IS WORKING WITH THE CITY AND LINCOLN COUNTY TO DEVELOP A COMPREHENSIVE TRANSPORTATION PLAN TO ADDRESS THE LONG-RANGE TRANSPORTATION NEEDS OF THE LINCOLNTON URBAN AREA:

(R-01-13)

Mayor Gilleland opened the Public Hearing. Laura Simmons, Planning Director told Council that the City has been working with NCDOT Transportation Planning Staff, the Lake Norman RPO, Lincoln County Planning and the Town of Maiden to draft the Lincolnton Urban Area Comprehensive Transportation Plan (CTP). She said the CTP has been developed under the guidance of a citizens steering committee and has been presented to the Lincolnton Planning Board, Lincoln County

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Planning Board as well as both governing bodies over the past several months.

She said, "A public workshop was held several weeks ago, and we are holding the public hearing tonight". She introduced Ms. Linda Dosse, of NCDOT Transportation Planning Staff, who provided a summary of the CTP recommendations to City Council.

Ms. Dosse pointed out one specific change to the originally presented CTP plan in November 2012, which was the southwest connector. She told Council there were no major issues from the public workshop held in December.

Mayor Gilleland asked about citizen participation at the workshop and Ms. Dosse said there were four citizens who attended along with herself and both City and County staff and planning board members. Linda told Council that if approved, the plan would then be forwarded to the Board of Transportation for their approval. Once approved the plan would become official in April 2013. She reviewed the endorsement steps and concluded recommending that Council adopt the Lincolnton Urban Area Comprehensive Transportation Plan as presented.

Councilman Rhyne expressed concerns about the proposed medians that were included in the proposed plan. He asked if adoption of the plan would commit the City to these medians being installed along East Main Street as proposed. Mrs. Dosse said that for safety reasons, due to accidents reports along that corridor, the medians were proposed and would be recommended as a long range plan.

After further discussion, Councilman Cloninger made the motion unanimously approved to close the public hearing.

Councilman Hovis made the motion unanimously approved to adopt the resolution, thereby adopting the Comprehensive Transportation Plan for Lincolnton Urban Area as recommended.

PROPOSED RESOLUTION IN SUPPORT OF KILAH'S LAW - WHICH IF APPROVED WOULD ENDORSE FULL SUPPORT OF THE SPIRIT AND EFFORTS TO CREATE THIS LAW WHICH WOULD BRING TOUGHER PENALTIES TO THOSE WHO INFLICT PERMANENT DEBILITATING INJURY TO A CHILD: *(NOTE: This bill is to be introduced to the legislature when they re-convene at the end of January)*

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(R-02-13)

Mayor Gilleland called on Mr. Jeff Gerber, Founder of The Justice For All Coalition, to speak to the above stated proposed resolution.

Mr. Gerber told Council that he has been traveling across the state, making presentations to various entities, in support of Kilah's Law. Thus far he has successfully presented the resolution for adoption to 28 cities across North Carolina.

Patty Freeman, EMS worker, was also in attendance and spoke in favor of Kilah's Law and on behalf of the Justice For All Coalition. Mr. Gerber introduced Kilah Davenport and her family to Mayor and Council and stressed the importance of supporting tougher penalties to those who inflict permanent debilitating physical injury to a child.

Councilman Cloninger made the motion unanimously approved to adopt the resolution as presented and read by Mayor Gilleland.

PROPOSED RESOLUTION APPROVING THE LINCOLNTON REDEVELOPMENT INCENTIVE GRANT POLICY:

(R-03-13)

Jeff Emory, City Manager and Brad Guth, Business and Community Development Director recommended approval of a resolution adopting a redevelopment incentive grant policy for the City of Lincoln.

Mr. Guth said the purpose of the policy would be to encourage and promote infill development and major rehabilitation of older buildings in downtown Lincoln. The proposed policy is a Synthetic TIF - a formula grant that reimburses the developer for the net gain in property tax value for a project. The private developer pays all upfront development costs then is paid a cash grant based on the amount of tax revenue generated by the project.

Lincoln Economic Development Association has reviewed the proposed grant policy and is in full support of its adoption. If approved, Mr. Emory said he plans to talk with Lincoln County as well for their endorsement.

Councilman Rhyne expressed concerns about the proposed area covered with this policy, saying it only focuses on the downtown area.

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He questioned whether it should be expanded to include historic areas in Boger City. The City Manager said he would recommend adoption of the current policy tonight, with the defined area with consideration of possibly expanding the policy coverage area at a later date.

Councilman Rhyne made the motion unanimously approved to adopt the resolution, thereby adopting the Lincolnton Redevelopment Incentive Grant Policy as recommended.

PROPOSED RESOLUTION SUPPORTING CLEANWATER MANAGEMENT TRUST FUND: (R-04-13)

Steve Peeler, Director of PW&U reviewed a resolution in support of the Cleanwater Management Trust Fund. He said the CWMTF was originally established in 1996 by the General Assembly to address the growing concerns about the health of our rivers, streams and other surface water in the state. The non-regulatory program has provided more than 1500 grants to help meet infrastructure needs of municipalities, increase recreational opportunities, and enhance quality of life in our state. Over the past four years the CWMTF has had funding reduced by more than 89%. In 2012 CWMTF funded less than 10% of the requested project funds.

Lincolnton was one of 452 cities that has received past funding from this fund. Adoption of this resolution would support the CWMTF and allow the funding to continue to protect current and future drinking water supplies for our growing population.

Councilman Hovis made the motion unanimously approved to adopt the resolution as presented, with Mr. Peeler forwarding to the appropriate agencies.

CONSIDERATION OF AWARDING CONTRACT TO LOWDERMILK CHURCH & CO. L.L.P. TO PERFORM THE JUNE 30, 2013 AUDIT.

(\$ 34,750 - same as 2012; no increase)

(C-02-13)

Georgetta Williams, Finance Director, along with City Manager Jeff Emory recommended that Council enter into a contract with Lowdermilk Church & Co. L.L.P. to perform the 2013 audit for the City of Lincolnton for the above said price.

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Georgetta told Council the firm is wonderful to work with and has been instrumental in submitting the application for the GFOA designation each year. She said the contract price, if approved, would remain the same \$ 34,750 for the 2013 fiscal year.

Councilman Cloninger made the motion unanimously approved to enter into the contract as recommended.

APPLICATIONS WERE RECEIVED FOR THE FOLLOWING VACANCIES; **(APPT-01-13)**

Mayor Gilleland told Council that the following applications were received for the following vacancies for City Boards/Commissions:

*Lincolnton-Lincoln County Airport Authority (one vacancy)

(One application from Mr. Joe Polhill was received)

*Lincolnton Recreation Commission (two vacancies)

(Two applications; Chris Brogden and George Brookins were received)

Councilman Cloninger made the motion unanimously approved to appoint the above named individuals for said appointments with their first term beginning January 2013, ending December 2015.

UPDATE ON THE RECYCLING PROGRAM - CITY TO BEGIN PICKUP IN FEBRUARY 2013 (NO LONGER CONTRACTED WITH GDS):

Jeff Emory, City Manager, Steve Peeler, Director of PW&U and Recycling Guru Rob Buff provided a thorough overview of the proposed City collected recycling program. He told Council that as of February 1, 2013 the City would begin collecting all recyclables, no longer contracting with GDS of Hickory. Citizens will not see a change in pickup dates but when the City is able to obtain larger containers, hopefully through a grant, the program would go to a bi-weekly service and the collection day may change.

He told Council that he would be requesting approval to apply for a grant to purchase a 95 gallon rollout container that would be distributed to each City resident, at a future City Council meeting. The City Manager said he plans to send a letter to all residents, along with several newspaper notices, making citizens aware of the change in service providers. Another notification would be sent regarding changes to the service, when containers are purchased, which could be July 2014.

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Mr. Buff told Council he felt the City could see a substantial cost savings in about twelve months after implementation.

UPDATE ON THE MARCIA H. CLONINGER RAIL-TRAIL:

Laura Simmons, Planning Director, provided a brief update on Phase III of the Marcia H. Cloninger Rail-Trail. She said the entire trail has now been paved. The contractor has completed all work except timber rails, final seeding and mulching, bollard installation, paint striping and signage. All of this work should be completed in the next few weeks according to Ms. Simmons.

TGS is coordinating with the contractor and NCDOT on an extension of the contract deadline. The contractor is to submit a letter to NCDOT requesting additional time. FHWA audited the project, as reported in December, and found no errors. Additional audits can occur at anytime within a five year period after final close-out and approval. Laura will keep Council abreast of any changes to the project as they may arise.

CONSIDERATION OF QUOTES TO PROVIDE WATER/SEWER (WELL & SEPTIC TANK) TO THE MOBILE UNIT LOCATED OFF HIGHWAY 27 WEST, HAUSS ROAD - (LINCOLNTON POLICE DEPARTMENT FIRING RANGE):

Rodney Jordan, Chief of Police, presented quotes received by LPD Captain Matt Painter for a well and septic services to the mobile unit located on Hauss Road.

He proposed awarding the bid to the following:

Bathroom Plumbing - Payne's Plumbing of Crouse for \$ 2,200.00

24" Bored Well - Davis Well Boring of Lawndale for \$ 3,800.00

1000 gallon tank septic system - Maiden Grading for \$ 1,750.00

For a total cost of \$ 7,750.00. He said this would allow the Police Department to utilize the mobile unit as a classroom/training facility.

If approved the monies would be transferred from the Police Department building maintenance line item to capital expense line item, allowing this project to be tracked as a capital project for accounting purposes. He would not ask for a budget amendment at this time, as funds are available in this line item.

Councilman Rhyne made the motion unanimously approved to approve the purchase as recommended by the Police Chief.

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MONTHLY FINANCIAL/ OVERTIME REPORT:

Jeff Emory, City Manager, provided Council with an executive summary, displaying General Fund - Fund 10, Water & Sewer Fund - Fund 61, Electric Fund - Fund 63 as well as overtime for the month of November 2012.

A copy of this report will appear at the end of this document becoming a permanent part of these officials minutes.

PUBLIC COMMENT:

No one spoke under the Public Comment portion of the agenda.

CLOSED SESSION:

Councilman Rhyne made the motion unanimously approved to enter into CLOSED SESSION to discuss personnel in accordance with NCGS 143-318.11(a)(6).

Councilman Rhyne made the motion unanimously approved to return to REGULAR SESSION.

Councilman Hovis made the motion to extend the City Manager's contract beginning January 2013 to December 31, 2016. The motion passed by a three to one vote. Councilmen Cloninger, Heavner and Hovis voted in favor and Councilman Rhyne voted against the motion.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, CMC
CITY CLERK

JOHN O. GILLELAND, JR.
MAYOR