REGULAR MEETING - FEBRUARY 7, 2013

The Mayor and City Council met in regular session on Thursday February 7, 2012 at 7:00 p.m. in the Council Chambers of City Hall.

Mayor Gilleland called the meeting to order. Several Boys Scouts were in attendance; Mitchell Suthers – Troop 97, Dylan Burkey and Reagan Davis of Troop 75 and led the Pledge of Allegiance.

Mayor Gilleland thanked all those attending for the interest in City government.

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

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

- Approved minutes from the January 10th regular meeting.

- Approved Proclaiming – February 7 – 14, 2013 – Congenital Heart Defects Awareness Week
- Approved a Call to Public Hearing for March 7th meeting: CUP-1-2013 – Application from Serenity Adult Day Facility, LLC requesting a conditional use permit to operate an adult day care facility in the Residential-8 (R-8) District. The property is currently used as a homeless shelter and this use will continue during the evening hours and the day care will operate during the morning and afternoon hours. The property is located at 100 Ann Gaither Court off East Lincoln Street (Parcel ID 59996)

REGULAR AGENDA:

APPLICATION FROM BRYAN MCCLURE 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 CENTRAL BUSINESS (CB) DISTRICT:

ZTA-1-2013

Mayor Gilleland opened the Public Hearing. Laura Simmons, Planning Director reviewed the request for the proposed amendment, amending Section 153.113(A) by adding a new subsection under Section (1) Retail Uses, (EEE) Motorcycle Sales, also adding a specific definition of the term.

Laura told Council that the CB District allows a variety of different retail and service types, however, none of those uses fit the specific use description as requested by the applicant. The amendment is approved would read as follows:
Motorcycle Sales – A facility which displays and/or sells motorcycles. Outdoor storage is limited to during business hours only. Any outdoor storage of motorcycles not during business hours would require approval as a conditional use permit.

She said staff has discussed the proposed amendment with the Business & Community Development Department regarding compatibility with other Central Business type uses. It is there opinion that the amendment would allow the use to be compatible with other businesses. The Lincolnton Fire Inspector concurred. She concluded recommending approval of the request.

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

Councilman Heavner made the motion unanimously approved to amend the LUDO as recommended by Planning Board and Staff.

REQUEST FOR AUTHORIZATION TO ENGAGE ENGINEERING SERVICES – PROPOSED INTERSECTION IMPROVEMENTS AT E. MAIN STREET AND GENERALS BLVD.

(C-03-13)

Laura Simmons, Planning Director, requested that Mayor & Council consider entering into a contract with TGS Engineering in the amount out $20,000, to complete a study prior to the acceptance of the Congestion Mitigation/Air Quality Grant for the improvement of the intersection of East Main Street and Generals Blvd.

Both grants including the local math total amount $ 582,000. Laura said the City has unanswered questions regarding this intersection such as (1) Would all of the proposed improvements and relocation of utilities fit within the existing state right-of-way? (2) Would NCDOT require the City to mill and repave the intersection after installation of the improvements, would a median be required?

Laura told Council that one year ago the City entered into a contract with Land Design, a firm recommended by NCDOT to prepare a concept plan and line item cost estimate for the project. The cost estimate was approximately $ 439,000.00 not including engineering, contract administration and inspection costs. She said as City staff discusses the concept plan and project with NCDOT staff and local engineering firms, a number of unanswered questions such as the ones mentioned above, creeps lending doubt as to whether the grant funds would fully cover the project costs.

Laura recommended that the City determine these costs upfront prior to entering into the grant agreements, by allowing TGS Engineers to complete a study of this intersection project. Laura said she wants to ensure that the end result of this effort and expense is acceptable to Mayor & Council and is what they envision for this intersection. She said, "We want to be in a position to resolve these questions prior to entering into the grant agreements, or at least, be able to identify any issues on an informed basis with City Council early on." "Without having this information prior to the project start, we could be faced with entering the grant agreement, commencing with work and then at some point down the road seeing that the City will not be able to achieve its goal for the intersection without spending its own Powell Bill funds or other funds. City Manager Jeff Emory and Public Works & Utilities Director Steve Peeler both spoke to this issue and also recommended that Council enter into this contract with TGS to provide a cost estimate/study.

Councilman Rhyne questioned the cost estimates provided earlier, saying the cost estimates grew by $ 120,000 (originally $ 328,000 to $ 438,000) according to proposals he reviewed. He suggested entering into the grants and then move forward with the survey as costs would be covered under the grant funds. He said, "This way the City would not have the upfront costs of $ 20,000 and then decide we cannot afford to do it."

After some discussion, and comments from Leonard Fletcher of TGS Engineering, Councilman Heavner made the motion to enter into the agreement as recommended. The motion passes by a three to one vote. Councilmen Heavner, Cloninger, Heavner and Hovis voted in favor and Councilman Rhyne voted no.

CONSIDERATION OF 2013 FIREWORKS CONTRACT WITH EAST COAST PYROTECHNICS, INC. FOR $ 10,000:

(C-04-13)

Jeff Emory, City Manager presented the annual fireworks contract submitted to the City by East Coast Pyrotechnics for the 2013 July 4th Celebration. He said East Coast has provided excellent service and staff for past displays.

The contract amount is $ 10,000 and would provide a 15 to 18 minutes fireworks display. Jeff noted this is the same amount the City has paid the past four years, with no increase, and he recommended that Council enter into the agreement again this year.

Councilman Rhyne questioned the total amount for the July 4th Celebration, saying the memo stated $ 14,000, and the contract was for $ 10,000. Jeff explained that there are other expenses with this event; the fireworks are $ 10,000 only. He said Lincoln County has approved $ 6,000 for this event for this year and the City would fund the remainder.

Councilman Cloninger made the motion unanimously approved to enter into the contract with East Coast Pyrotechnics as recommended.

RESOLUTION OF INTENT OF COMMITMENT FOR MATCHING GRANT FUNDS FOR RECYCLING CONTAINERS – (*CITY'S MATCH = $ 75,000*)

(R-04-13)

Jeff Emory, City Manager told Council that he had spoken with individuals in Raleigh regarding this grant and that he felt confident that we would be eligible to receive matching grant funds in the amount of $ 75,000 to purchase recyclable containers for our citizens. He said in discussions with Rob Buff, Asst. Public Works Director, the City would need over 3,000+ containers.

The enclosed resolution of intent, if adopted, would be submitted to NC Department of Environment and Natural Resources as official notification that the City of Lincolnton intends to make application for the recycling grant in the amount of $ 75,000. Jeff said this is the maximum amount we could apply for and would have to provide a $ 75,000 match, if funding is approved by NCDENR. Jeff also said that if we provide a container to every resident, the City would have to purchase additional roll-out containers that we would have to pay full price for. He concluded strongly recommending we proceed with submitting the resolution of intent and then complete the grant application. *(Note: This expenditure of $ 75,000 would be for 2013-14 fiscal year budget)*

Councilman Rhyne questioned the number needed, saying why pay for 3,000+ if they are not needed. He said with only 1500+ currently recycling in Lincolnton, why pay for containers for residents who do not recycle. Jeff said he felt the City should encourage all residents to recycle, therefore we should provide them with a container. He reminded Council that it is now against state law to dispose of a plastic bottle in the land fill.

After further discussion, Councilman Heavner made the motion unanimously approved to submit the Resolution of Intent, and complete the grant application as recommended.

REQUEST OFFICIAL ACTION TO SET THE 2013 MUNICIPAL ELECTION FILING FEES:

Donna Flowers, City Clerk reviewed upcoming 2013 Municipal Election filing dates and estimated costs as submitted to her by the Lincoln County Board of Elections.

She said filing for the 2013 election would begin on Friday, July 5th at 12 noon and would end at noon on Friday, July 19, 2013. The total estimated costs for the general election would be $ 12,000. Should a primary be necessary the City could expect an additional $ 10,000. Also should a second primary be required the City could add an additional $ 10,000 to the total cost.

Filing fees in accordance with state statute can be no more than 1% of the annual salary of the elected official, or no less than $ 5.00 for either the Mayoral or Council member seat.

The Mayors annual salary is $ 7680.00 or $ 640.00 monthly and the Council member's annual salary is $ 4,608.00 or $ 384.00 monthly. Fess set by Mayor and Council for the 2011 municipal election were $ 48 for Mayoral race and $ 36.00 for a Council member.

Councilman Rhyne made the motion unanimously approved that the fees for the 2013 Municipal Election remain at $ 48 for Mayor and $ 36 for a Council member. The City Clerk will notify the Lincoln County Board of Elections accordingly, so that these fees can be posted to the Elections website.

UPDATE ON PHASE III OF MARCIA H. CLONINGER RAIL/TRAIL:
Laura Simmons, Planning Director gave Council an update on Phase III of the Marcia H. Cloninger rail trail. She said construction of Phase III is nearing completion. The contractor still has to install timber rails, final seeding and mulching, bollard installation, paint striping and signage. All work should be completed within the next few weeks.

She said TGS Engineers 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. She said once the trail is completely finished, we will coordinate with NCDOT on a final inspection and project approval.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT
Jeff Emory, City Manager provided Council a handout of the financials as of December 2012. This summary compares the City's finances for 2012-13 budget to 2011-12 budget year.

Jeff said we are trending in a downward direction as January. There were questioned regarding the electric fund balances. Jeff said he would send Council an email with more information on the electric fund balance differences, as he could not be certain of the differences unless they were due to a billing cycle.

PUBLIC COMMENT: Mr. Robert Tomlinson spoke to Council regarding the proposed Downtown Developments Wine Fest. That item was set to be on this agenda but was removed earlier in the day due to the lack of sponsorship for the event. Mr. Tomlinson said he was not in favor of this event and did not want to see Lincolnton duplicate events that he feels are already being held within Lincoln County.

He suggested the City consider an alcohol free St. Patrick's Day celebration for our downtown rather than a Wine Festival.

NEWS MEDIA:
There were no questions from the News Media.

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

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

(Monthly Executive Summary Comparative Revenue & Expenses attached – Item # 12)