REGULAR MEETING - MARCH 7, 2013

The Mayor and City Council met in regular session on Thursday, March 7, 2013 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street. Those in attendance were:

RHYNE CLONINGER HEAVNER

Councilman Hovis was absent due to working out of town.

Mayor Gilleland called the meeting to order and thanked all of those attending for their interest in City government.

The Pledge of Allegiance was led by Boy Scout Troop 73 – Leader Chris Faile - Troop members: Caleb Faile, Alex Faile, Aaron Faile, Connor Faile, Landon Motz, Luke Carpenter, Steven Oakes, Caleb Grisdale, and Cody Mays.

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

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

- Approved the February 7, 2013 Regular Meeting Minutes
- Approved an advertisement to appear in the LTN on April 10, 2013 reporting delinquent taxes that are liens on real property within the corporate limits of Lincolnton as per NCGS.105.396(a)
- Approved the following Call to Public Hearing for April 4th meeting:
  ZTA-2-2013 – Application from Bryan McClure requesting an amendment to Section 153.238(h) (Social Clubs and Lounges) of the Lincolnton Unified Development Ordinance. The amendment, if approved, would change the 300 foot separation requirement to a 50 foot distance to be measured from building to building instead of property line to property line.

REGULAR AGENDA:

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 HOURS AND AFTERNOON HOURS. THE PROPERTY IS LOCATED AT 100 ANN GAITHER COURT OFF EAST LINCOLN STREET (PARCEL ID 59996).

CUP-1-2013

Mayor Gilleland opened the Public Hearing. Laura Simmons, Planning Director gave an overview of the above stated request. She reviewed the conditional use permit requirements, staff review committee comments, and findings of fact. In conclusion she recommended on behalf of Planning Board and staff that the CUP be approved as requested contingent upon all building and fire codes being met prior to occupancy.

Mayor Gilleland said he feels this is a wonderful opportunity to use the facility in addition to the Homeless Shelter.

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

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

Findings of Fact:

(1) Councilman Heavner 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 Cloninger made the motion unanimously approved that the use meets all required conditions and specifications.
(3) Councilman Rhyne 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 Heavner 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 as recommended.

Mayor Gilleland said, "I would like to thank those individuals who are looking out for those who are in need and wish them the best of luck on this endeavor."

RECOGNITION OF THE 2012-13 LINCOLNTON STUDENT ADVISORY COUNCIL MEMBERS - PRESENTATION OF COMMITTEE REPORTS:
Jill S. Eaddy, Advisor for the Lincolnton Student Advisory Council introduced the 2012-13 members as follows:

EAST	LINCOLNTON	WEST
Jade Leondorf	Tori Urban	John Dock Tallent
Will Krehnbrink	Luke Brogden	Bailee Eurey
Taylor Johnson	Seattle Kiser	Mason McConnell
Derek Hilgert	Ethan Miller	Colton Lineberger
Tori Horne	Brian Emory	Jakala Williams
Tyler Mispley		

NORTH	LINCOLN CHARTER
Leslie Leung	Christian Hilty
Anna Carswell	Joey Redmond
Ben Lineberger	Mary Canipe
Amy Gilleland	
Brooke Haynes	

Mayor Gilleland thanked each member for their participation and gave all those attending a City Lapel pin to recognize their service. He also thanked the parents attending for allowing their student to serve the City in this capacity. He thanked Mrs. Eaddy for serving as advisor to this Council for the past 23 years.

Student Advisory Council members spoke to their respective Committee about the issues and progress made thus far on various projects. Those speaking were;
Business - Brooke Haynes and Ben Lineberger told Council about efforts to recruit a Chick-fil-a near the target area of the proposed Ingles, on East Main Street. A Twitter account was set up and received over 270 re-tweets supporting a Chick-fil-a in Lincolnton.

Roads - Derek Hilgert told Council that a letter in support of resurfacing Aspen Street/Pine Street intersection was sent to NCDOT officials.
Charity - Colton Lineberger told Council that projects the SAC have participated in thus far regarding charity were Angel Tree (through DSS), Polar Plunge Fundraiser, Back Pack Ministry, Adopt-A-Street (along East Sycamore Street from Flint to Court Square), and they plan to hold a Car Wash at the Board of Education Office sometime in May. This fund raiser will assist with funding the Student Memorial Project.
Social - Ethan Miller spoke about the SAC's plans to organize a second annual "Rock the Block" event in the downtown. This event brings students from all five area high schools together for an evening of fun and activities, and is a drug free, alcohol free event.
Schools - Amy Gilleland told Council that her committee is hoping to speak to the school board regarding AP exams not being mandatory if the AP course is successfully completed. She also said they are inquiring about having the paw prints leading to Lincolnton High School, along City streets, repainted.

Mrs. Eaddy concluded thanking Mayor Gilleland, City Clerk Donna Flowers and City Manager Jeff Emory for attending all the SAC meetings and the Lincolnton City Council for their continued efforts of funding for this committee.

UPDATE ON THE PROPOSED DOWNTOWN INFILL SITE DEVELOPMENT - *(CURRENT DOWNTOWN PARKING LOT LOCATED OFF OF THE COURT SQUARE):*

Brad Guth, B&CD Director introduced Mr. Upshaw from Piedmont Companies, Inc. to discuss a proposal for development of the above referenced site.

Mr. Upshaw reviewed the vision for the site, discussed why Piedmont Companies would be best suited for this project, the challenges foreseen if developed, and the need for public/private partnership for development.

He said the challenges to developing a successful restaurant/apartment/condo project on the Court Square are serious and would require a public-private partnership to overcome. The major obstacles noted were:

- Lack of adequate water pressure to power a sprinkler system
- Lack of cable tv and underground phone lines in the central district. These are needed for business and residential users and

will provide entertainment, internet access and communication infrastructure.
- Inadequate roads at the rear of the project
- Inadequate parking for customers and residential users of the project. This is a zoning issue and a space issue.
- Inadequate street lighting at the rear of the property.
- Unknown amount of the last structure on the site that is buried on the property.
- Unknown obstacles in building adjacent to existing buildings.
- Water and sewer not available at the property border to meet the needs of the proposed development.
- Lack of pedestrian friendly access to grocers, drug stores, restaurants and cultural venues.

Mr. Upshaw said these obstacles would have to be overcome with cooperation of the City in order for the project to be viable. Creating a restaurant/apartment/condo development on the Court Square would require a partnership between the City and Piedmont Companies. He said both parties must agree to exclusively work together for a due diligence period of six months that would be used to discover if the proposed use is the highest and best use of the property. Piedmont Companies would need to acquire the land at no cost in order to make the project financially viable. They ask that the City make several infrastructure improvements as well as participate in a grant design service ($ 2500). Offer a Façade Grant - $ 40.00 per linear foot, approximately 114 feet - $ 4,560, a rehabilitation grant of 10% of the current property value of $ 107,649 which equates to $ 10,765. Also offer a Redevelopment Incentive Grant, which would allow for relief of property tax for five years on the difference between the current tax value of the facility and the completed tax value.

He concluded noting that if this project became reality, Lincolnton could see between 3 and 5 million dollars added to their tax base. He handed out a pre-prepared draft of a motion, suggested by Piedmont Companies, that Council consider. He said if the motion is acceptable and approved he would come back in early May, and hope to be our partner in developing this property.

After review of the draft motion and some discussion by Council, Councilman Rhyne made the motion unanimously approved to adopt the motion as written by Piedmont Companies, Inc. (1) to commit to working exclusively with Piedmont Companies to develop plans, specifications and related design elements of a potential development for the Court Square. The design study will be conducted between March 7, 2013 and May 1, 2013. (2) to commit to use the Utilities Department of the City, in conjunction with Williams Design and Piedmont Companies, to study the infrastructure needs of the Court Square property and how those needs can be met with the least cost to the City. The Utilities study will be conducted between March 7, 2013 and May 1, 2013. (3) to commit to use the Planning and/or Transportation Department of the City, in conjunction with Williams Design and Piedmont Companies, to study the transportation, street lighting and parking needs of the Court Square property and how those needs can be met with the least cost to the City. The transportation study would be conducted between March 7, 2013 and May 1, 2013. (4) to commit to review a comprehensive plan for the Court Square property to be submitted no later than May 2, 2013. Piedmont Companies is responsible to prepare the plan and present it to City Council. If the plan is deemed acceptable, designate Piedmont Companies as the developer of the property and move forward with drafting a contract to govern the property transfer and set forth the responsibilities of all parties.

Mayor Gilleland thanked Piedmont Companies for their interest and said, "I want us to try and make this work, as you stated, with the least cost to the City."

Council members were all in agreement that this would be wonderful for the citizens and our downtown.

UPDATE ON INVENTORY OF STREET SIGNAGE REGARDING SPEED LIMIT ON CITY MAINTAINED STREETS:

Rodney Jordan, Chief of Police, told Council upon inventory of street signage regarding City speed limits, he found several that he suggest be changes to reflect the City's current Code of Ordinances. They were as follows;

These City streets are addressed by City Ordinance but are not currently posted:

Circle Drive, Danbrook Circle and
West Main Street to Congress - 20 MPH
Hunter Oaks Lane and Story Street - 25 MPH
Laboratory Road from (SR 1238) from a point 9.22 miles south of
(SR 1427), the southern corporate limits,
north toward Aspen Street - 50 MPH

He recommended ADDING the following streets to the City Ordinance and posting:

McGinnis Avenue and Turner Street - 20 MPH

Chief Jordan also noted that the spelling of Sumner Street was incorrect in our current ordinance, (Summon Street) he asked that that be changed as well.

Councilman Cloninger made the motion unanimously approved to amend the City's Code as recommended once a Public Hearing has been held. The City Clerk will advertise the hearing accordingly for a meeting in the near future. The Public Works Director will coordinate the erection of the appropriate signage for the new speed limit changes once the hearing has been conducted.

UPDATE ON PHASE III OF MARCIA H. CLONINGER RAIL TRAIL:

Laura Simmons, Planning Director, told Council that Phase III is nearing completion. The contractor has completed all work with the exception of the punch list items. She told Council they had a walk through with NCDOT earlier today and the punch list doubled.

She will coordinate with NCDOT on a final inspection and project approval once the contractor has addressed the items noted from today's meeting. She will continue to keep Council abreast of progress of completion.

DISCUSSION OF OFFER FROM TABERNACLE OF BLESSINGS TO PURCHASE CITY OWNED PROPERTY LOCATED AT 1201 EAST CATAWBA STREET:

Jeff Emory, City Manager, shared with Council a copy of a written offer the City has received from Tabernacle of Blessings to purchase City owned property located at 1201 East Catawba Street.

Tabernacle of Blessings has offered the City $ 18,000 for property located at 1201 East Catawba Street, near Oaklawn School. After some discussion Councilman Cloninger made the motion unanimously approved to proceed with the Upset Bid process, in accordance with NCGS 160A-269, to sell the property.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:
Jeff Emory, City Manager provided Council a handout reviewing several funds for the month of January 2013. He explained the difference between the Electric Fund balances as asked at our February meeting. He reviewed overtime thus far, noting an increase from the month of December. Jeff said, "We plan to work real, real hard to make sure that goes the right way these next few months".

He offered to entertain any questions from City Council. There were no questions form Council. *A copy of the handout will appear at the end of this document becoming a part of these official minutes.*

PUBLIC COMMENT:
Mr. Alan Hoyle, of 319 N. Poplar Street, spoke to Council about the new addition of the Marcia H. Cloninger Rail Trail. He said he has experienced vandalism on his two properties along the trail from traffic already walking/utilizing Phase III of the trail. He said he hoped the City would consider erecting fencing along this portion of the trail. He noted other sections of the trail that have fencing and questioned why fencing was not originally consider in the design.

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

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

DONNA C. FLOWERS, CMC
CITYT CLERK

JOHN O. GILLELAND, JR.
MAYOR

March 2013 Council Meeting

Executive Summary

January 2013 Year-To-Date

Comparative for Budgetary Purposes - After Closing 2012 Fiscal Year

General Fund		12-13	% of Budget	11-12	Difference
Fund 10	Revenues	5,295,396.13	46.14%	5,142,303.53	153,092.60
	Expenses	5,113,309.02	48.17%	5,018,609.64	94,699.38
	Difference	182,087.11		123,693.89	58,393.22
Water & Sewer Fund					
Fund 61	Revenues	5,148,695.41	60.93%	4,758,328.47	390,366.94
	Expenses	3,271,736.03	41.16%	3,162,503.63	109,232.40
	Difference	1,876,959.38		1,595,824.84	281,134.54
Electric Fund					
Fund 63	Revenues	3,980,611.42	51.65%	3,814,374.83	166,236.59
	Expenses	3,959,763.31	70.76%	4,194,334.40	(234,571.09)
	Difference	20,848.11		(379,959.57)	400,807.68
Overtime		162,617.99		235,910.95	(73,292.96)