

REGULAR MEETING – JULY 11, 2013

The Mayor and City Council met in regular session on Thursday, July 11, 2013 at 7:00 pm. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Gilleland called the meeting to order. He welcomed everyone, thanked them for attending and asked everyone to join him in the Pledge of Allegiance. The following were in attendance:

RHYNE CLONINGER HEAVNER

Councilman Hovis was absent due to health issues.

Upon asking for the approval of the Regular Agenda, Councilman Heavner requested to make an amendment to the Regular Agenda. Councilman Heavner stated, “Mayor, I would like to amend the Regular Agenda to place a new item before the Public Hearing to consider an amendment to the City’s fee schedule previously approved during the budget process pertaining to solid waste fees.” Councilman Heavner requested this item be placed first on the Regular Agenda.

Mayor Gilleland repeated the motion made by Councilman Heavner, opening the floor for discussion. With no discussion motion was unanimously approved.

Mayor Gilleland also asked that an item be added to the agenda to allow for an update from the water committee.

Councilman Rhyne made a motion unanimously approved to add an agenda item to hear a water update from the water committee. Mayor Gilleland noted the item will be placed between item #7 and #8.

Councilman Cloninger made the motion unanimously approved the Consent Agenda.

CONSENT AGENDA unanimously approved as follows:

- Approved June 3, 2013 – Regular Minutes
- Proclamation declaring July 1-14, 2013 “Independents Days” in Lincolnton
- Appointment (Appt-02-13) of Mr. Fred Houser to LEDA

REGULAR MEETING – JULY 11, 2013

REGULAR AGENDA

AMENDMENT TO THE REGULAR AGENDA PLACING A NEW ITEM BEFORE THE PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY'S FEE SCHEDULE PREVIOUSLY APPROVED DURING THE BUDGET PROCESS PERTAINING TO SOLID WASTE FEES

Mayor Gilleland recognized Councilman Heavner to speak to this item however Councilman Cloninger stated that he was prepared to make the motion as follows:

“Mayor and City Council, after much consideration and receiving numerous comments from our citizens, I make the motion that the previously approved fee schedule for fiscal year 2013-2014 be amended so that the approved fees for solid waste collection be reduced to fifty percent (50%) of the previously approved amount. That is for both residential and commercial customers. I also move the previously approved expenditure for the purchase of roll-out recycling containers be removed from the budget (a cost savings of \$ 144,000).”

Mayor Gilleland inquired as to whether the proposed motion need to be in the form of two motions with City Attorney T.J. Wilson stating that one motion was satisfactory. Mayor Gilleland again stated the motion made by Councilman Cloninger, opening the floor for discussion.

Much discussion was generated regarding the amount to be removed. Councilman Rhyne responded stating, “ I certainly appreciate the spirit of the motion. I guess my big concern, as we look at this, is we’ve heard for three or four months that we had to have the ten dollars (\$10.00). We had to have that \$475,000.00. Where there was no other possible way to do this. And my concern is, if we can change it that quick to five dollars (\$5.00) as oppose to ten dollars and change the citizens sixty dollars (\$60.00) a month; a year instead of one hundred and twenty (\$120.00), I would challenge us to try to find the other five dollars (\$5.00).”

At this point Mayor Gilleland stated, “I like to have a plan, and that was not in my plan although I do appreciate that motion, and even more to it like Councilman Rhyne just said I’d like to see it go to zero. But I did have this written out for a little bit later on but I know this is a very emotional topic. But it’s my responsibility to run an organized meeting. So I’d ask you to please refrain from clapping or making comments from the floor. I would appreciate that a whole lot because that falls on me and that is my request to you. So thank you very much.”

REGULAR MEETING – JULY 11, 2013

Councilman Rhyne continued. He focused on the difference not purchasing the roll-outs would create in the line item, noting again that he appreciated the spirit of the motion and that this was the first he had heard of this motion. Councilman Rhyne concluded by saying, “I would have a hard time supporting five dollars (\$5.00) when I could not support ten (\$10.00). I would love to see it at zero.” More discussion was generated among Council.

Councilman Heaver suggested taking the funds from the General Fund balance due to it being well over the 8% percent required by the Local Government Commission. Councilman Rhyne suggested eliminating the intersection project to which Councilman Heavner replied, “ Well, we’ve only spend about \$20,000.00 for the study. Once we get that study we don’t have to go forward with it if we don’t like it.”

Mayor Gilleland stated, “Since it’s up for discussion, that intersection is a piece that could come out; we can make that decision tonight and we’ll take more expense out of the budget. City Manager Jeff Emory verified the cost be around \$116,000.00, with the roll-outs being \$125,000.00 (\$144,000 was budgeted in the 2013-14 FY Budget). Councilman Rhyne again stressed that he would have a hard time supporting the motion due to his desire for it to be zero, not five dollars (\$5.00). With no further discussion, Mayor Gilleland called for the vote.

Councilman Cloninger’s motion was approved two votes to one, with Councilmen Heavner and Cloninger voting in favor and Councilman Rhyne voting against.

PUBLIC HEARING

PROPOSED AMENDMENT TO THE CITY’S CODE OF ORDINANCES – TITLE V: PUBLIC WORKS – CHAPTER 50: SOLID WASTE COLLECTION AND DISPOSAL ADD A SECTION: 50.11 – COLLECTION OF SOLID WASTE FEE AS IT PERTAINS TO THE CITY FEE SCHEDULE

(O-04-13)

Mayor Gilleland opened the meeting up to a Public Hearing recognizing City Manager Jeff Emory to speak to this item. Mr. Emory began informing Council that as a result of City Clerk Donna Flowers checking with the School of Government and also an attorney with the League of Municipalities, the City will need to amend its Code of Ordinances in order to collect the solid waste fee

REGULAR MEETING – JULY 11, 2013

that has been approved by Council. Mr. Emory explained the purpose of the hearing is to discuss the specific amendment to the code which reads:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON TO AMEND THE CODE OF ORDINANCES AS FOLLOWS:

TITLE V: PUBLIC WORKS

Chapter 50: SOLID WASTE COLLECTION AND DISPOSAL

ADD:

50.11 Collection of Solid Waste Fee as it pertains to the City Fee Schedule

The solid waste fee will be collected first from the monthly Utility (water, sewer and electric) account billed by the City; delinquency of payment shall result in the discontinuation of utilities

This ordinance shall become effective upon adoption. This the 11th day of July 2013.

Mr. Emory stated the purpose of the public hearing being to receive comments on the proposed ordinance amendment. With there being no questions for Mr. Emory from Council, Mayor Gilleland called those wishing to speak , asking them to keep their comments to three minutes.

Dr. Bill Hitt spoke saying “I appreciate the gesture as well but I oppose pulling any basic service out as a fee as it becomes too easy down the road to raise it. He felt it is a basic service and it should stay a basic service. Dr. Hitt stressed, “I want zero fees”. He continued asking Mayor and Council to vote down the ordinance amendment and to preferably rescind the highly unpopular tax. Dr. Hitt reminded Council of the affects the recession has had on the community. He pointed out the increase in the City’s revenue over the past several years, as well as the increase in spending. Dr. Hitt provided several suggestions as to how the City can avoid this tax which included; postponing the purchase of the recycling containers, reforming the Christmas bonus to a flat \$500.00 per employee, and continue covering City employees at 100% but to begin reforming insurance coverage for dependents.

Dr. Hitt concluded by saying, “As long as the City benefits remain so far removed from the mainstream it’s unfair to the taxpayers to remove garbage collection as a basic service and charge us for something we’re paying for already. These excesses are not proper stewardship of taxpayer dollars and the taxpayer should not be expected to pay a new tax until such excesses are rectified. Please rescind or do not pass the ordinance codifying this additional tax.”

REGULAR MEETING – JULY 11, 2013

Mayor Gilleland called on Dr. Bob Hitt to speak next. He declined stating everything he wanted to say had already been covered therefore he did not need to speak.

Mr. Robert Tomlinson addressed Council regarding his objection to what he feels are hidden fees and the inability for him to contact anyone regarding when an ordinance was passed. Mr. Tomlinson employed everyone to vote against the measure.

Mrs. Emily Robinson, a resident at 527 Louise Ave., thanked the Mayor and Council for listening and not turning a deaf ear to the citizens. Mrs. Robinson spoke to her knowledge regarding the inability to collect the fee without the ordinance change. She continued reminding Council of the many citizens that have spoken and given many solutions, along with Councilman Rhyne, to stop the

fee however she feels that only Mayor Gilleland and Councilman Rhyne are listening.

Mrs. Robinson concluded asking City Council to make a motion to rescind the action of the June 3rd Council Meeting when the sanitation fee was adopted and to please say no to the proposed Ordinance Amendment tonight allowing the City to collect the sanitation fee.

Mrs. Jennifer Byrd thanked Council for the opportunity to speak and also expressed her appreciation for the thought and consideration being given to this issue. Mrs. Byrd did, however, express her disappointment in the additional expense the City has already gone through in sending out notices. Mrs. Byrd said, “The letters that were sent had clear expectations of the city’s residents and business owners, and I feel like I need to share what my expectations are for this Council and the City Manager.”

She continued stating, she expected Mayor, Council and the Manager to do what is right for the City, communicate honestly having the City’s best interest as their priority and keeping in mind that times are tough for everyone. She encouraged them to always look for ways to reduce cost as our neighboring municipalities have done. She feels that the City has not done enough to cut wasteful spending and she expects this Council to take a hard look and reduce other unnecessary budgeted line items. Lastly Mrs. Byrd stated, “Four Councilmembers were voted into this with responsibilities and expectations to the City and four should always vote.

REGULAR MEETING – JULY 11, 2013

She said if a elected officials seat is vacated for an extended period of time an effort should be made to temporally or permanently fill that seat.”

With no one else to speak to this item, Mayor Gilleland called for a motion to close the Public Hearing.

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

Councilman Rhyne made the motion not to approve the proposed amendment to the City’s Code of Ordinances.

Upon opening the floor for discussion Councilman Cloninger questioned why the motion was made. Councilman Rhyne responded, “Because I don’t think we need

the five dollar (\$5.00) trash tax.” Councilman Heavner stated, “We have already approved that.” In response Councilman Rhyne stated, “But this is the last chance we have of not doing that”, speaking to the inability to collect the fee if the Ordinance was not amended.

With no further discussion, Mayor Gilleland called for a vote on the motion. Councilman Rhyne’s motion failed, two to one with Councilman Rhyne voting in favor, and Councilman Cloninger and Heavner voting against.

Councilman Heavner made a motion to approve the amendment to the Ordinance.

Councilman Cloninger stated, “Before I vote I would like to say, I wish we didn’t have to do the trash as much as everybody sitting here but we have been hashing this out since the beginning of the budget process. And ya’ll there may be certain ways that you can cut here, cut there and some but like I said I wish we could get by without it but we can’t and I call for the question.”

Councilman Heavner’s motion passed two to one, with Councilman Heavner and Cloninger voting in favor, and Councilman Rhyne voting against.

REGULAR MEETING – JULY 11, 2013

CONSIDERATION OF APPROVAL OF GRANT CONTRACT NO. 5472 – NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR CURBSIDE RECYCLING ROLL-OUT CARTS:

(Contract amount of \$219,000 – City matching funds required = \$144,000)

(C-13-13)

Mayor Gilleland, in light of the previous approved motion, confirmed with City Attorney T. J. Wilson that a motion not approving this item was in order.

Councilman Cloninger made a motion unanimously approved not to approve the contract.

WATER UPDATE FROM THE WATER COMMITTEE:

Mayor Gilleland proceeded to the water update which was approved to be added at the beginning of the meeting. Mayor Gilleland explained that with many being aware of a lot of the conversation and the work that has been going on between the City and the County concerning the opportunity to sell the County more water. He stated that they are very close to working the deal out which is very good news.

Mayor Gilleland noted that Mr. Emory, Mrs. Williams and Mr. Peeler, along with himself, have met with the County and are down to inches from getting an agreement. He continued saying because the item would be on the August agenda, he wanted to alert Council of this, giving them time to think about everything involved.

He encouraged them to read the agreement carefully. Mayor Gilleland stated, “It is not a great deal for the City, and it’s not a great deal for the County; but it is a good deal for the City and the County.” He continued saying the most important part that he wanted to set the stage for is , “If this agreement is approved with the County, obviously there will be more revenue from water from the County. It is not going to be an overnight fix, but it will be a step in the right direction.”

The Mayor said the City would be able to take advantage of the growth of the County. Mayor Gilleland concluded saying, “With this additional revenue from the County, I want you to consider setting up a capital fund to hold the additional revenue from water sales. This would allow spending these monies on paying down current water debt.” He reiterated that it would not be an overnight success but it would give the City the opportunity to speed up its debt repayment schedule.

REGULAR MEETING – JULY 11, 2013

Some discussion was generated with the City Attorney confirming there is a proposed contract. City Manager stated that he would get copies of the contract to Council before agenda packets are delivered for next month's meeting.

Mayor Gilleland stressed the importance of making the right decision and stated he felt the right decision was to accept the agreement which will be a good thing for everyone, especially the citizens. Mayor Gilleland confirmed the agreement would also be going before the County Commissioners in August as well.

UPDATE ON COST TO CITY AND DDA FOR 2013 HOG HAPPENIN EVENT:

Mayor Gilleland recognized City Manager Jeff Emory to speak to this item. As directed by Council at the June meeting, Mr. Emory provided Council with a report on the expenses for the annual Hog Happenin event. Mr. Emory directed Council to the three documents he provided in the agenda, explaining what each sheet showed. Mr. Emory reported the City of Lincoln spent approximately \$35,000.00 from the General Fund and \$10,000.00 from the Occupancy Tax Fund. The DDA budget was provided as well. Mr. Emory offered to answer any questions.

Councilman Rhyne thanked Mr. Emory for the information confirming that the information was what he wanted. Mr. Rhyne inquired about expenses the County requires to be re-imbursed. Mr. Emory stated he was not aware of any reimbursement to the County. Councilman Rhyne reviewed the numbers determining the cost to the City being approximately \$46,000.00. The cost to DDA being more, with a profit of approximately \$5,200.00.

CITIZENS COMMENTS/CONCERNS REGARDING THE 2013 HOG HAPPENIN EVENT:

Mayor Gilleland began by explaining the item was not a public hearing, however eight (8) people requested to speak to this item. Speakers were called in the order listed on the agenda alternating those speaking in favor of and those with concerns. Mayor Gilleland again asked that respect be given to the person speaking. He asked that there be no comments or clapping from the audience and that everyone be given the same respect.

REGULAR MEETING – JULY 11, 2013

Mr. Dale Punch began by providing Council with a copy of a post from facebook making reference to the meeting as a Lincolnton City Council meeting Love Fest. Mr. Punch expressed his disapproval of the this post and feels it is disrespectful and offensive.

Councilman Rhyne questioned who the webmaster or the person responsible for the facebook or any kind of media for the DDA. Cathy Davis stated that Brad Guth is the administrator of the webpage and is responsible for all of the social media for DDA.

Mr. Punch continued stating his intent is not to get rid of the event. He feels it could actually be a good thing for Lincolnton. He referenced the video shot by UNC several year ago which showed the positive side of the event. Mr. Punch proposed that the event go back to being a one day event , that the beer garden be omitted and that all laws be enforced during the event. With Mayor Gilleland's permission, Mr. Punch presented a short video which highlighting those things that concern him the most which included the motorcycle burnout pit. The video showed the lack of safety exhibited and the condition of the City streets. It also showed the bikini contest as well as girls in bikini's washing the motorcycles getting sprayed by a county fire truck.

Mr. Punch repeatedly spoke to the negative image he felt some of the activities at this event gave the City as well as to the liability if there had been an accident. He again stated that he was not opposed to the event, he just feels that it needs to be cleaned up and made more family friendly.

Mr. Charles Pitt, the vice-president of the Christian Motorcycle Association and former vice-president and chaplin of Lincoln County Concerned Bikers Association, expressed some of the things he enjoys seeing in relation to the Hog Happenin event. Mr. Pitt spoke to the opportunity as a minister the event provides him to share the gospel and questions if a price can be put on peoples lives that can be reached. He asked Council to keep the event as it is a great opportunity for Lovable Lincolnton to love everyone, not just the family people.

Mr. Rex Rhyne began by stating, as Mr. Punch said, he is not against Hog Happenin, he just feels that some things can be changed to make it more user friendly for the downtown business owner. He spoke to Council regarding some of the issues he has with in connection with the event, one being parking. Mr. Rhyne gave several suggestions as to how to eliminate this problem.

REGULAR MEETING – JULY 11, 2013

He also suggested other options that would not negatively impact the downtown businesses as they currently do.

Mrs. Cathy Davis came forward to speak to this item. Mrs. Davis assured Council that she was not motivated by any facebook movement but she feels a responsibility to DDA as the board chair and to the hundreds of volunteers that dedicate their time to the organization. Mrs. Davis also stated that she does not believe the cost request from Councilman Rhyne was intended to attack the event or any other event DDA facilitates. She continued listed many of the events the DDA assists with which includes the Alive After Five concert series and the Art Crawl and stating that it is a non-profit organization ran by volunteers both from the City and the County. As the promotions chair, Mrs. Davis extended an invitation to anyone interested to help organize any event and to bring ideas to the table at the DDA meetings.

Mrs. Davis referenced the video presented earlier and responded by saying, “ If you want to find the bad in anything you can find it.” She stated her belief that there are risk in all types of activities, specifically noting the July 4th Celebration. She also pointed out the cost associated with that event as well but acknowledging that in order to have a thriving county seat, there has to be events to keep our folks from going outside our town to enjoy those types of event. She concluded expressing her appreciation for participation in the requested events and assured Council that none of the events are done to create ill will for anyone, especially for the great city and this great county that we live in.

Mrs. Vicki Yount a resident of 330 N. Aspen Street, addressed Council regarding the event from a vendor perspective. She informed Council that a friend who was a vendor at the event was required to charge prices set by the DDA, and also that the DDA collected 20% of his take that he took in the day of the event. Mrs. Yount stated, “If that is true, I respectfully request a vendor by vendor account of all the money that was taken in and given to the DDA. I want a hard copy of it mailed to my address, 330 North Aspen Street.” Mrs. Yount continued stating that any money taken in should be given back to the City of Lincolnton, stating that the \$5,000.00 would have been seed money for the \$100,000.00. She also spoke to some of the concerns she has with the event. As a downtown employee, she spoke to the parking issue. She also spoke to the placement of the bands and the music volume.

REGULAR MEETING – JULY 11, 2013

Mayor Gilleland directed Mr. Emory to follow-up on the Mrs. Yount's request and asked that he inform Council. Mr. Emory stated the total amount for vendors is in the report but he is unaware of how it breaks down. Mr. Emory confirmed that he would obtain the information and follow-up with Mrs. Yount.

Mr. Roy Lightfoot addressed Council expressing his feels about the Hog Happenin event. He spoke to the history of the event and his involvement. He feels the event appeals to multiple groups of people. He also spoke to other positive aspects of having this event and how the event brings the community together. In closing Mr. Lightfoot admitted he could not say the event was perfect, but that he, as a citizen of Lincolnton enjoys this event and hopes that those with concerns will communicate their concerns in order for them to be addressed.

Mr. Bill Ledford voiced his concern with the drinking at the Hog Happenin event. Mr. Ledford expressed his feeling regarding what we are teaching children when alcohol is served on Main Street. He mentioned his objection to the burnout pit. Mr. Ledford stated that his main concern was with the littering and the lack of respect exhibited for his property. He concluded by saying he hopes that if the event continued, the littering can be controlled. He did not see the need to have beer served at the event at all which would possibly attract more participation.

Mr. Pete DeGregory, acting Post Master of Lincolnton, is with the Apple Festival Committee as well as the Hog Happenin Committee. Mr. DeGregory stated that he feels Hog Happenin is a very good event and is a positive influence on the City. Mr. DeGregory spoke to the need for special events. He said towns that have events tend to thrive which is what entices people and businesses to come, and events cost money. Mr. DeGregory continued, thanking the City for allowing the event to happen. He personally feels the event is a positive influence and said "things like these make Lincolnton a better City". Mr. DeGregory said, "the more a community feels like a community the more it prospers."

Councilman Rhyne asked several in reference to the meeting schedule to start planning the next event. Mr. DeGregory explained the meeting schedule and welcomed anyone with ideas or suggested changes to attend. Councilman Rhyne volunteered to attend the meetings and be a part of the planning committee and look toward next year to make the event a bigger success.

REGULAR MEETING – JULY 11, 2013

Mayor Gilleland remarked about the good comments he heard during the discussion and on how those in attendance were there to get involved and make Lincoln a better place. He agreed with those that said Lincoln was a great place to live. He thanked everyone for the respect that was shown to each speaker. Councilman Cloninger commented and echoed Mrs. Davis's invitation for those with ideas and concerns to come to the meetings and get involved. He feels that if concerns are voiced, DDA will take the concern into consideration and try to solve the problem. If that does not happen, come back before Council. Councilman Rhyne explained the purpose for his request was not to come against the event, Council needs the information in order to better plan and budget for coming events. Mayor Gilleland stressed that it is a councilman's responsibility to ask those questions.

MONTHLY FINANCIAL & OVERTIME REPORT:

City Manager Jeff Emory presented the monthly financial and overtime report. Mr. Emory directed Council to some of the improvements from a year ago. Mr. Emory stated that every category has improved somewhat from the prior year. Mayor Gilleland expressed how much he likes the report and the progress on the overtime amounts.

PUBLIC COMMENT:

Mr. Robert Tomlinson began referencing the Hog Happenin event. Mr. Tomlinson questioned why meeting minutes were not available after meeting where there is opposition. He stated that our last published minutes were April 4th and that he mentioned it at the last meeting. He was told that it was addressed earlier. Mr. Tomlinson questioned if the Democrats had some type of control over the Republican microphones since he can hear when the Democrats speak up but it is hard to hear the Republicans. He thanked Councilman Rhyne for asking for more transparency regarding what was spent for the Hog Happenin event. Mr. Tomlinson concluded saying, "It's time for our City Councilmen to remember that the constituents vote regardless of the party, not vote party line all the time. Vote your conscience. You're all grown men and you don't need to have somebody else telling you what to do."

Joyce Dorsey spoke on behalf of the Apple Festival event. She voiced her concerns about the future of special events due to the lack of funding. As the coordinator of the Apple Festival, Mrs. Dorsey expressed her love for the event and amount of time it takes to coordinate this event. She discouraged Council

REGULAR MEETING – JULY 11, 2013

from considering not continuing the Hog Happenin event but to find a way to work both events into the budget. She spoke to several of the issues and concerns other expressed regarding the events such as the alcohol and parking issues.

Mr. Tate was signed to speak but had to leave prior to being called.

Mrs. Jennifer Byrd again express thoughts about the Hog Happenin event. Mrs. Bryd stated she appreciated all of the hard work by the DDA and the volunteers to put the event together. She spoke as a downtown business owner on Main Street asked that no hasty decisions be made that will take away good revenue from local businesses while at the same time expecting local businesses to except increases in the future.

NEWS MEDIA:

There were no questions from the news media

ADJOURNMENT:

Councilman Rhyne made the motion unanimously approved to adjourn.

(NOTE: This meeting was covered, and minutes were drafted, by Administrative Specialist Daphne Ingram in the absence of City Clerk Donna Flowers)

DONNA C. FLOWERS, CMC
CITY CLERK

JOHN O. GILLELAND, JR.
MAYOR