

REGULAR MEETING - AUGUST 1, 2013

The Mayor and City Council met in regular session on Thursday, August 1, 2013 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Gilleland called the meeting to order. He welcomed Mr. Hovis back from being out noting he had been missed and we were thankful that he was with us tonight. Councilman Hovis thanked everyone for their thoughts and prayers during recent health issues.

Mayor Gilleland then welcomed everyone attending, thanking them for their interest in local government. Eric Bergsted of Boy Scout Troop # 65 along with seven other scouts, led in the Pledge of Allegiance.

Mayor Gilleland told Council that Kara Brown of Lincoln Economic Development Association was in attendance and would like to give an update to City Council on a recent news release. Councilman Cloninger made the motion unanimously approved to add this item to the agenda, directly after item number eight, proposed Proclamation declaring Lincolnton a Purple Heart City .

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 July 11th regular meeting
- Approved (R-12-13) Resolution to surplus a Glock .45 Caliber Model 37 service weapon (Serial # GBH551) to be presented to Lt. Randy Willis upon his retirement
- Approved a Proclamation declaring a State of Emergency for the City of Lincolnton – damages from recent flooding issues; issued 7/27/13 at 11:45 am by Mayor Gilleland
- Approved the following Call to Public Hearing for the September 12th City Council Meeting:
CUP-5-2013 – Application from Lincolnton Business Center requesting a conditional use permit to use a portion of the existing warehouse/flex space property for a brewery in the General

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Manufacturing and Commercial (GMC) District. The subject property is located on the south side of Motz Avenue across from Grier Street. The address of the property is 313 Motz Avenue (Parcel ID 00419)

REGULAR AGENDA:

RESOLUTION OF RETIREMENT – LT. RANDY WILLIS – LINCOLNTON POLICE DEPARTMENT:

(R-13-13)

Mayor Gilleland asked Lt. Randy Willis to come forward to be presented a framed resolution honoring his tenure with the City and the Lincolnton Police Department. Lt. Willis plans to retire September 1, 2013 from the Police Department. Many officers along with family and friends were in attendance in honor of Lt. Willis' upcoming retirement.

Mayor Gilleland read aloud the following;

WHEREAS, *Randy H. Willis* began employment with the City of Lincolnton on January 2, 1991 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Randy H. Willis* has proven his leadership qualities, rising through the ranks in 1994 to a Police Sergeant; then in 2001 a Police Lieutenant. Randy has served as a role model, providing excellent Public Safety to the citizens of Lincolnton; and

WHEREAS, *Randy H. Willis* in 1997 was bestowed the honor of Police Officer of the Year through the Lincolnton VFW; then in 2004 was recognized through the Fraternal Order of Police (Lincoln County Lodge # 85) for Outstanding Service and Dedication to the Citizens of Lincolnton; and

WHEREAS, *Randy H. Willis*, has served the citizens of Lincolnton over twenty two years in the Law Enforcement/Public Safety Sector, and plans to retire effective September 1, 2013; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Randy H. Willis* honoring him on his upcoming retirement and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 1st day of August, 2013.

Mayor Gilleland thanked Lt. Willis for his service to the City and it's citizens. Mayor Gilleland talked with several fellow officers regarding their thoughts that come to mind when thinking of Lt. Willis' service. Some were, "Would not ask anyone to perform a task that he would not do himself, and really knows what he is doing and is a great supervisor".

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MOPH REQUESTING THAT LINCOLNTON BE PROCLAIMED A PURPLE HEART CITY:

Mr. Mike Stubbs – Commander of the Military Order of the Purple Heart (MOPH) Chapter 634, spoke to Council about Lincolnton becoming a Purple Heart City. Commander Stubbs asked Council to consider adopting the following proclamation;

In Honor Of The Military Order Of The Purple Heart

WHEREAS, The Purple Heart is the oldest military decoration still in present use and was initially created by George Washington in 1782, as the “Badge of Military Merit”; and,

WHEREAS, The Purple Heart was the first American Service Award made available to the common soldier, and is awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and,

WHEREAS, The mission of The Military Order Of The Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat-wounded veteran members and their families; to promote patriotism; to support related legislative initiatives; and, most importantly, to make sure we never forget the sacrifices made by those so decorated; and,

WHEREAS, There have been many former Lincolnton residents who made the ultimate sacrifice in giving their lives in the cause of freedom, and there are numerous combat-wounded veterans who currently reside within the City, and as Purple Heart awardees who contribute to their community in countless ways; and,

WHEREAS, The City of Lincolnton falls within the purview of Chapter 634 of the Military Order of the Purple Heart, and wishes to pledge its strong support for this noble organization and for those who put their lives at risk in service of their Country and their fellow citizens.

NOW, THEREFORE BE IT PROCLAIMED by the City of Lincolnton, Lincoln County North Carolina, that honor and gratitude be bestowed upon the Military Order of The Purple Heart, Chapter 634, recognizing the City of Lincolnton as a “Purple Heart City in The State of North Carolina”.

Commander Wade concluded asking City Council to adopt the proclamation, whereby Lincolnton would become a Purple Heart City and also ask that signage reflecting such be erected in the near future. He had sample signage available posted in other cities and urged Lincolnton to follow suit with erecting signage at our four major entrances into the City limits.

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Mayor Gilleland thanked them for their service and said signage recognizing Lincolnton as a Purple Heart City in the State of North Carolina, would be considered.

ADDED ITEM– UPDATE FROM LEDA (Kara Brown):

Lincoln Economic Development Association representative Kara Brown provide Council an update, sharing her excitement for the proposed Harvest Moon Restaurant locating in downtown Lincolnton. Mrs. Brown said, “New food venture Farmer Baker Sausage Maker will bring new life into the former Bob Ramseur’s Diner. Mac Harvey owner and Lillie and Doug Marshall investors will provide dining, serving foods from local farmers within a 100 mile radius of Lincolnton. The team is excited to join to her downtown restaurants and will prove to be a game changer to our downtown”.

CONSIDERATION OF RENEWAL OF CONTRACT FOR LEASE OF PROPERTY AT 530 EAST MAIN STREET FOR LPD DETECTIVES DIVISION *(Note: Contract increase of \$ 50 per month for a total of \$12,600 annually for a one year period)*

(C-14-13)

Rodney Jordan, Chief of Police, presented a proposed contract which included a slight increase of \$ 50 each month, for rental of property owned by Ann Ford, located at 530 East Main Street to serve as the Lincolnton Detectives Division. Chief Jordan said the lease is similar to the prior lease, for a one year period. (September 1, 2013 through August 31, 2013) He assured Council he had budgeted for the slight increase and the total lease line item would not be over expended due to the increase.

Councilman Heavner made the motion unanimously approved the lease agreement as recommended.

CONSIDERATION OF MEMORANDUM OF UNDERSTANDING (MOU) FOR MEMBERSHIP IN THE METROPOLITAN PLANNING ORGANIZATION FOR TRANSPORTATION PLANNING SERVICES – *(The membership fee for fiscal year 2013-14 would be \$ 2,303.00)*

(C-15-13)

Laura Simmons, Planning Director, told Council that the City would become a member of a new transportation planning organization this year. The Lake Norman RPO has been dissolved and Cleveland and Lincoln Counties and

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municipalities within those counties will become members of the Gaston-Cleveland-Lincoln MPO (formerly the Gaston Urban Area MPO). She reviewed an information brief outlining details of the history and the shift from the RPO to the MPO.

Laura concluded recommending that Council approve a memorandum of understanding, allowing Lincolnton to transition to the Gaston-Cleveland-Lincoln MPO for a cost of \$ 2,303.00.

Councilman Rhyne made the motion unanimously approved the MOU for membership in Metropolitan Planning Organization for Transportation Planning Services.

PROPOSED BUDGET AMENDMENT – DECREASE THE GENERAL FUND \$ 200,000 – SOLID WASTE – MISCELLANEOUS EQUIPMENT : (Due to reduction of Solid Waste Fee)

(BA-02-13)

Georgetta Williams, Finance Director reviewed the proposed budget amendment to City Council noting the general fund expenditures would be adjusted by decreasing the Solid Waste-Miscellaneous Equipment \$ 200,000. This reduction was due to action taken by Council not to purchase recycling containers and due to the reduction in the recently adopted sanitation fee. Council took action amending the City's fee schedule from \$ 10 to \$ 5 per month for solid waste collection.

Councilman Heavner made the motion unanimously approved to adopt the budget amendment as proposed by the City Manager and Finance Director.

RECOGNITION OF FINANCE DEPARTMENT FOR RECEIPT OF THE GOVERNMENT FINANCE OFFICER'S ASSOCIATION – CERTIFICATE OF ACHIEVEMENT FOR: EXCELLENCE IN FINANCIAL REPORTING (23RD CONSECUTIVE YEAR)

Mayor Gilleland recognized the Finance Director and the entire Finance Department, as well as Utility Billing Department for receipt of the Certificate of Achievement for Excellence in Financial Reporting. This City through our auditing firm submits an application for this prestigious award to the Government Finance Officers Association. Lincolnton has been a successful recipient for the past 23 years.

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Georgetta Williams, Finance Director was on hand to receive the award as was Mary Huffman also of the Finance Department. Myrl Peeler, Utility Billing Supervisor along with Dawn Cornelius, Debbie Lyda and Kristy Smith were in attendance and also came forward for the presentation.

Mayor Gilleland and Council members thanked them for their dedication and hard work in receiving this award. Mrs. Williams said, "It is certainly a team effort." She thanked her staff for their continued commitment to the department, the City and work towards obtaining this award.

RECOGNITION OF THE BUSINESS & COMMUNITY DEVELOPMENT DEPARTMENT AND DOWNTOWN DEVELOPMENT ASSOCIATION FOR RECEIPT OF THE NATIONAL MAIN STREET PROGRAM AWARD FROM THE NATIONAL MAIN STREET CENTER:

Mayor Gilleland officially presented Business & Community Development Director Brad Guth a plaque recognizing Lincolnton as a nationally accredited Main Street community. Lincolnton is one of several cities in North Carolina to receive this honor which is bestowed upon cities or towns that have met performance standards with a broad based community support for the commercial district revitalization process; with strong support from both public and private sectors. The certificate recognizing Lincolnton's program as a National Main Street Program was forwarded to North Carolina Main Street where our accreditation will remain on file.

PROPOSED AMENDMENT TO THE BY-LAWS FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL; ADDING A THIRD MEMBER TO THE LINCOLN CHARTER SCHOOL:

Mayor Gilleland told Council that he had received a request from the Lincoln Charter School to consider allowing three members from LCS to serve on the Lincolnton Student Advisory Council. He said currently the by-laws state that each public high school have five members nominated by each principal, and Lincoln Charter shall have two members. Mayor and Council shall have three at large appointments to have a maximum roster of twenty-five (25) students.

Mayor Gilleland said, "Someone wanting to add members tells me we are doing things right and with students asking to serve speaks highly of the program." He thanked Mrs. Eaddy and attributed much of the success of this program to her as she has served as advisor to the SAC since it's inception.

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The Mayor asked for Councils consideration on this request. Councilman Hovis said, "I have been told that other schools have asked for new members and the committee didn't want to add any more students – they already have as many as they can handle. I don't think it is right if we give the Charter School another representative and don't give it to other schools."

Councilman Rhyne said "You wouldn't be changing the total number of students on the committee, it would be twenty-five, the only difference is City Council would only get to nominate two rather than three."

Mayor Gilleland said the Charter School numbers were 475 and Lincolnton High School's number of students were 880. He was not aware of student body numbers for the other schools.

Mrs. Eaddy expressed concerns. She said, "Every year other schools call and ask if they can add one more, I've got one more who really wants to serve and every year we have to say no." She said, "I really like the idea of Council having three appointments."

Councilman Hovis expressed concerns as to whether it would be fair to allow another representative from only the Charter School. Councilman Heavner said he had similar concerns.

Councilman Heavner then made the motion to leave the by-laws as written, not adding a third member from Lincoln Charter School.

Councilman Cloninger said, "It is not anything against any one school, with Council having three appointments should someone from Charter School want to be appointed we have that option. I like the idea of Council having three appointments."

After some discussion, Mayor Gilleland called the question. The motion passed by a three to two vote. Councilmen Heavner, Hovis and Cloninger voted in favor of the motion and Councilman Rhyne voted no.

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DETERMINE DATE FOR SPECIAL MEETING TO DISCUSS PROPOSED CONTRACTS BETWEEN THE CITY AND LINCOLN COUNTY (POSSIBLY TUESDAY, AUGUST 13TH OR THURSDAY AUGUST 15TH AT 6:00 P.M.):

Mayor Gilleland asked Council to check their calendars and determine a good date for a special meeting of the City Council to discuss the proposed contracts with Lincoln County. Everyone agreed that Thursday, July 15th at 7:00 p.m. would work best. The City Clerk was directed to advertise the meeting accordingly.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

(Please reference report provided in agenda packet)

The City Manager was on family vacation for this meeting so he prepared a memorandum stating a brief overview of the City's financial situation for the June. He referenced an executive summary for the month of June 30th but noted this was completed prior to all the final journal entries. Several sources of revenue were not included in these numbers due to closing out the fiscal year. The memo stated that to date we are \$ 400,000.00 ahead in the Water & Sewer Fund of where we were at this time last year. The Electric Fund is \$ 502,000 to the positive side. A savings of \$ 54,000 was reported for overtime.

His memo further stated that as of July 1st 2012, new hires were only provided employee health coverage. Family coverage was not included or paid for by the City. While health insurance is a major expense, eventually, as more employees retire and are replaced with new ones, this will obviously save the City money in health insurance premiums.

PUBLIC COMMENT:

Dr. Bill Hitt spoke regarding the sanitation fee. He said he has now spoken three times regarding his opposition to the fee or "tax" and will continue to speak out against this issue. He and Councilman Hovis exchanged opinions of how they see the sanitation fee impacting citizens. Dr. Hitt concluded strongly urging Council to listen to the citizens as they have loudly spoken regarding this issue.

Mrs. Carolyn Burgess spoke regarding Stonewall Plantation, a condominium development, located off of South Aspen Street. She resides in one of the condo's and pays a homeowners association fee of \$ 125.00 per month. This money is for necessary improvements to the condo's and for a landscaper to

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mountain the lawn. One property owner of the undeveloped properties within this complex has refused to mow his lot. Mrs. Burgess felt it should not be an option for a property owner to not pay to have his property mowed. She said, "Choosing to not live in an unsitely or unsafe environment we have been paying our landscaper to mow his property. If we allow his property to go unattended this become a haven for snakes, rats, and coyotes. This also proposes a danger for others who walk their pets. I understand that currently property grass may be allowed to reach 24 inches in height before the City has the right to mow the grass. I would like to ask that the height be no more than 12 inches."

She concluded asking that the City to please look into this matter, thanking Mayor and Council for allowing her the opportunity to speak. Mayor Gilleland asked for input from staff as to what other entities surrounding us are doing regarding these type situations.

Mr. Dale Punch spoke to Council regarding the recent Hog Happening event. He said, "I have never said to stop having Hog Happenin. Citizens are concerned and I am concerned about this event. How many tens or hundreds of thousands of dollars it cost to have this event? Spending has gone way overboard. Pro Hog Happenin people said hotels are full, I checked with local hotels and they did not confirm that hotels are full for this event."

He referenced recent postings on a DDA facebook page, where he had commented asking Mr. Guth for information regarding the event. Mr. Punch said he did not receive answers and was blocked from the facebook page. Tax payers money is being spent on this event and Mr. Punch wants to know who is benefiting from this event. He said, "I don't think we ought to be in the beer business for one thing."

Mr. Punch directed a question to Councilman Cloninger; he said, "You called me several years ago and asked for my vote, and I told you I would vote for you and help you out on one condition; that you watch out for the tax payers of Lincolnton and you gave me your word that you would. I kept my bargain that November and my question is, with this wasteful spending of Hog Happenin, did you keep yours?"

Mayor Gilleland said, "I have had several citizens who would like to get involved with the Hog Happenin group and I would like to see more people

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get involved and see what positive can come out of this and help the event please more citizen in downtown Lincolnton.”

Councilman Hovis agreed with Mr. Punch. “I think the beer garden has just gotten out of hand.” He suggested having a Merry Go Round for kids as another means of making money rather than selling beer.

Councilman Rhyne also expressed concerns that should an accident happen with someone attending this event, after drinking, it would be tragic for many and the City. He said, “I will never agree that the City of Lincolnton needs to be in the business of selling beer.”

Councilman Hovis concurred, saying “It has gotten out of hand selling beer. It has been my experience you have a place serving beer, sooner or later something bad is going to happen.” Mayor Gilleland said he feels now is the time to start discussions about next years event, saying, “It has been my experience if enough people get involved things can get better, and it is my hopes we can make things better for people to enjoy this event.”

Robert Tomlinson spoke regarding a safety concern with the Apple Festival. He spoke on behalf of the Lincolnton Lions Club, saying “It’s ashame Jeff couldn’t be with us tonight, he’s a Lion, and I know he would back me on this.” Mr. Tomlinson asked that the City explore additional temporary one way travel on Sycamore Street, going East to West rather than West to East. He asked the City to consider increasing law enforcement at this event as well, noting it could help with traffic traveling the wrong way throughout events.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilman Rhyne made the motion unanimously approved to ADJOURN.

DONNA C. FLOWERS, CMC
CITY CLERK

JOHN O. GILLELAND, JR.
MAYOR