REGULAR MEETING - NOVEMBER 7, 2013

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

Mayor Gilleland called the meeting to order. Mr. Luke Carpenter of a local Boy Scout troop was in attendance and led the Pledge of Allegiance. Council members present were:

RHYNE CLONINGER HEAVNER HOVIS

Councilman Rhyne made the motion unanimously approved the ***REGULAR AGENDA.***

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

- Approved Minutes from the October 3, 2013 regular meeting
- Approved Resolution (R-15-13) to surplus the gun and badge for retiring Lt. Kenny Shrum – Lincolnton Police Department *(Glock.45 Caliber Model 37 – Serial # GBH533)*
- Approved a Proclamation honoring Veterans Day – November 11, 2013
- Approved the following Calls to Public Hearing for the December 5th City Council meeting:

  CU-ZMA-1-2013 – Application from William Wright and William Hovis requesting the conditional use rezoning of property located at 2377 Highway 150 East (Parcel ID 29440). The applicant request the rezoning of Neighborhood Business (NB) to Conditional Use Planned Business (CU-PB). The conditional use permit would allow him to operate an Automobile Sales Lot and Offices on the property.
  CUP-7-2013 – Application from Thomas Ivey requesting a conditional use permit to operate an Automobile Sales Lot in the Planned Business (PB) District. The subject property is located at 210 North Generals Blvd. (Parcel ID 00972).

REGULAR AGENDA:

RESOLUTION HONORING LT. KENNY SHRUM – LINCOLNTON POLICE DEPARTMENT ON HIS UPCOMING RETIREMENT – DECEMBER 1, 2013

(R-16-13)

Mayor Gilleland asked Lt. Shrum to come forward to be recognized for his upcoming retirement. He thanked Lt. Shrum for his time and years of service to the citizens of Lincolnton. He read aloud the following resolution of appreciation;

WHEREAS, *Kenneth M. Shrum* began employment with the City of Lincolnton on March 26, 1991 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Kenneth M. Shrum* has proven his leadership qualities, rising through the ranks in 1994 to a Police Sergeant; then in 1999 to a Police Lieutenant where he initially served over the Crime Prevention Division and in 2004 accepted the Lieutenant position with the Patrol Division; and

WHEREAS, *Kenneth M. Shrum* throughout his career committed to providing the highest level of service thru continued training and education which is evidenced by his top honors in Defensive and Precision Driver Training; Advance Law Enforcement Certificate and Associate Degree in Criminal Justice; all while working full time in law enforcement; and

WHEREAS, *Kenneth M. Shrum*, has served as a role model, providing excellent Public Safety in the Law Enforcement Sector, to the citizens of Lincolnton for over twenty two years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Kenneth M. Shrum* honoring him on his upcoming retirement on December 1, 2013, and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of November, 2013.

Lt. Shrum's family was in attendance as he humbly accepted the resolution. He said, "I have enjoyed working for the City and I hope I have made a difference, always trying to serve the City and it's citizens to the best of my ability. I have made suggestions and gave my input on issues, and wish the best to the department and the City. Thank you for allowing me to work and retire as a Police Officer." Lt. Shrum received a standing ovation from the audience.

RESOLUTION HONORING DAVID HESTER – EQUIPMENT OPERATOR FOR STREET & PROPERTY MAINTENANCE – CITY OF LINCOLNTON ON HIS UPCOMING RETIREMENT – DECEMBER 1, 2013

(R-17-13)

Mayor Gilleland asked David Hester to come forward to be presented his resolution recognizing his service to the City. He read aloud the following;

WHEREAS*, Lawrence D. Hester* began employment with the City of Lincolnton on April 22, 1992 as a Street Maintenance Worker I, and has faithfully served in the Street and Property Maintenance Department for twenty-one years; and

WHEREAS, *Lawrence D. Hester* now an Equipment Operator has worked diligently maintaining City Streets, sidewalks, green areas, and City properties for the safety and beautification of our City for its citizens and visitors; and

WHEREAS, *Lawrence D. Hester* during his career received specialized training through UNC, Institute of Transportation Research & Education, for Asphalt Pavement Maintenance to enhance the performance of his duties; and

WHEREAS, *Lawrence D. Hester* has demonstrated unselfish commitment to his job, his fellow employees, and to the citizens of Lincolnton for the continued betterment of our City; and

WHEREAS, it is the desire of the governing body of the City of Lincolnton to recognize and officially commend *Lawrence D. Hester* for his valuable and outstanding service rendered to the City of Lincolnton and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that we congratulate *Lawrence D. Hester* on his upcoming retirement, December 1st, 2013, and wish him continued success in all his future endeavors.

Adopted and presented this the 7th day of November 2013.

David thanked the City for giving him a job, and for recognizing him for his service.

RESOLUTION DESIGNATING AGENT(S) FOR THE CITY TO SUBMIT APPLICATION FOR ASSISTANCE FROM FEMA TO NC DEPARTMENT OF PUBLIC SAFETY – DIVISION OF EMERGENCY MANAGEMENT:

(R-18-13)

Jeff Emory, City Manager recommended Council adopt a resolution designating him and Finance Director Georgetta Williams as the two primary

agents for the City, endorsing an application for reimbursement of funds through FEMA. The proposed resolution read as follows:
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the named individuals, serve as Primary and Secondary agents and are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.
BE IT FURTHER RESOLVED that those named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof.
BE IT FINALLY RESOLVED that those named agents are authorized to act severally.
PASSED AND APPROVED this the 7th day of November 2013.

Jeff told Council that with the recent approval from the Governor's office to allow several counties to seek federal assistance for the storm damage from the summer, the City could along with the insurance settlement fair much better than originally expected.

Councilman Cloninger made the motion unanimously approved to adopt the resolution authorizing the City Manager as the Primary agent and Georgetta Williams, Finance Director as the Secondary Agent for submitting an application for Federal Emergency Management Assistance through the NC Division of Emergency Management.

CONSIDERATION OF AWARDING PROPOSED CONTRACT FOR SIDEWALK REPAIR ON NEWBOLD ST. AND TIMKEN DRIVE TO CUSTOM PAVING COMPANY IN THE AMOUNT OF $ 109,333.00: (C-19-13)

Jeff Emory, City Manager provided Council with information regarding proposed sidewalk installation on Newbold Street and Timken Drive.. He said this project was originally discussed in late 2012 but when the City went to NCDOT to acquire the necessary right-of-way to construct the sidewalk, we were informed that as a new standard, NCDOT would have to review and approve the actual construction plans. He said this is the first time the City has been faced with this requirement. He and Mr. Peeler told Council that NCDOT made suggestions several times and the City would go back and adjust the plans according to their requirements. This went back and forth for months. Finally the plans were approved just a few weeks ago.

While the original bid from Skidmore Construction was $ 53,000, the new proposed bid from Custom Paving Company was $ 109,333.00. He referenced an email from Assistant Public Works Director Rob Buff explaining the cost difference.

Jeff told Council that if approved he would plan to fund the project through our Powell Bill Funds, and feels we are in a good position to proceed financially. Councilman Rhyne questioned if this price included the engineering cost to redraw the plans numerous times. Mr. Peeler and Mr. Buff told Council plans were revised with no charge to the City.

Councilman Cloninger made the motion unanimously approved to accept the bid from Custom Paving for $ 109,333.00.

CONSIDERATION OF INSURANCE SETTLEMENT AGREEMENT FROM ALLIED WORLD NATIONAL ASSURANCE COMPANY FOR $ 225,000.00:

Jeff Emory, City Manager that the City's insurance carrier for property and liability has agreed to a cash settlement of $ 225,000 for storm damages from the summer flood. He said he is pleased with this settlement and he recommended Council accept the settlement and sign a release agreement.

Jeff said the first offer in writing was much better than we expected, with them offering $ 185,000 and no premium increase for this year's renewal. Based on advice from our insurance consultant, Jeff counter offered $ 250,000. They agreed to this offer. He said should Council accept this offer, he would suggest that we take the $ 225,000 and spend this on the much needed repairs to Betty Ross Park. He told Council the City received more positive news this week as FEMA monies will now be made available to Lincoln County, as it was declared a disaster area by Governor Pat McCrory this week.

Jeff concluded saying the repairs needed to lift stations and other damages to the Waste Water Treatment Plant, must come from savings from the Water and Sewer Fund. He recommended Council approve the release agreement.

Councilman Rhyne made the motion unanimously approved to accept the insurance settlement of $ 225,000.00, signing the release and to proceed with repairs at Betty Ross Park as soon as possible.

CONSIDERATION OF SPECIAL EVENT AND FILM POLICY/ORDINANCE:

Laura Simmons, Planning Director reviewed a draft of a proposed policy/ordinance regarding special events and filming in downtown Lincolnton. *(A copy of the memo and policy documents are on file and available in the Planning Director's Office for reference)*

After some discussion, this item was tabled with no action was taken to give Council time to review the proposed policy/ordinances. This item will be an agenda item for the December 5th City Council meeting.

UPDATE ON EAST MAIN STREET INTERSECTION PROJECT :

Laura Simmons, Planning Director, provided Council an update on the above mentioned project. She said currently Mike Holder of NCDOT and Leonard Fletcher, of TGS Engineers are discussing the possibility of a City/State partnership on the project in which the City and State would pool their resources to allow for a better project that works for both the City and the State. The City contribution would be 20% local match for the FHWA grant funding and the State contribution being the funding necessary for an entire resurface of the intersection along with construction inspection and oversight and project administration.

Recent State legislation would allow the City to utilize Powell Bill funds for their 20% or $ 116,250.00 match. Laura said many details still need to be discussed and finalized prior to any formal agreement being drafted. She plans to keep Council abreast of any changes or new information she received regarding this project.

MONTHLY FINANCIAL UPDATE/OVERTIME REPORT:

Jeff Emory, City Manager reviewed the financial summary provided by the Finance department. He said this month's report reflects significantly more in tax proceeds for this month. He expressed concerns noting we are behind on water and sewer funds at this point compared to last fiscal year. He said the electric fund is $ 15,000 to the positive while the water and sewer fund is down $ 178,000. Overtime for last month was up considerably and is up overall from last year this time. Jeff said he has talked to department heads and has asked that overtime be kept to a minimal.

He wanted to make sure that should Council get complaints about the leaf pick up this year, it would be due to the crews not working on Saturdays this year to prevent overtime.

PUBLIC COMMENT:

Mr. Dale Punch thanked the City for their involvement with getting the word out to organizations that NCDOT regulations had changed and more notice and extra paperwork is now required. He said it helped with the planning of the upcoming Veterans Day Parade. He encouraged everyone to please attend and show their support for the veterans on November 11, 2013.

Dale also spoke to Council once again about the need for changes to the Hog Happenin event sponsored by the City. He said, "I am not against Hog Happenin I just want to see some changes made." He expressed concerns about the drinking during the event and the safety off citizens throughout the trick riding.

Councilman Hovis told Dale that the Downtown Development Association (DDA) makes the decision and he should also express his concerns to that committee. He encouraged Dale to attend a meeting of the DDA.

Councilman Rhyne reiterated that no direct funding from the City goes to this event, there is no line item in our budget, the money is expended from DDA.

NEWS MEDIA:

There were no questions from the News Media.

CLOSED SESSION

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

Councilman Rhyne made the motion unanimously approved to return to Regular Session.

Mayor Gilleland reported that no action was taken in Closed Session.

ADJOURNMENT:

Councilman Cloninger made the motion unanimously approved to ADJOURN the meeting.

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