REGULAR MEETING - APRIL 3, 2014

The Mayor and City Council met in regular session on Thursday, April 3, 2014 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton, North Carolina.

Mayor John O. Gilleland, Jr. called the meeting to order and led in the Pledge of Allegiance. Council members in attendance were:

RHYNE CLONINGER EADDY HOVIS

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

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

- Approved the following minutes:
  March 6th - Regular Meeting
  March 7 & 8th – Budget Retreat
- Approved the following Call to Public Hearing for the May 1st City Council meeting:
  CUP-ZMA-2-2014 – Application from Robert Lee Haynes, Jr. requesting the conditional use rezoning of 0.83 acres of land from Residential-25 (R-25) to Conditional Use Neighborhood Business (CU-NB). The applicant plans to construct a 2400 square foot office/storage building on the property. The subject property is made up of two parcels of land located at the southeast corner of Huss Street and Skyway Lane (Parcel ID 21187 and 21186)
- Approved a resolution (R-06-14) to surplus the badge and handgun of Police Captain Cynthia Monday - Glock Handgun – Model 37, 45 Gap Serial Number GBH541

REGULAR AGENDA:

APPLICATION FROM THE BTR COMMUNITIES GROUP, LLC REQUESTING THE CONDITIONAL USE REZONING OF 9.77 ACRES OF LAND FROM PLANNED BUSINESS (PB) TO CONDITIONAL USE RESIDENTIAL MULTI-FAMILY (CU-RMF). THE APPLICANT WISHES TO CONSTRUCT A 56 UNIT RESIDENTIAL MULTI-FAMILY DEVELOPMENT. THE SUBJECT PROPERTY IS LOCATED ON THE WEST SIDE OF NORTH GENERALS BLVD APPROXIMATELY 1000 FEET NORTH OF THE INTERSECTION OF NORTH GENERALS BLVD AND TAIT MILL ROAD (PARCEL ID 21103):

CU-ZMA-1-2014

Mayor Gilleland opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue. Mark Carpenter, Zoning Administrator reviewed the request for the above said conditional use residential multi-family rezoning.

Mark said the applicant requests conditional use rezoning in order to construct a 56-unit multi-family residential development. Forty-two, two bedroom units and 14 three-bedroom units are proposed. The density of the development would be approximately 5.73 units per acre if approved.

He reviewed the conditional use district rezoning process, the applicant's compliance as it relates to the process, the nine staff review committee comments as well as the additional criteria for multi-family development. He concluded recommending on behalf of the Planning Board and staff, that the rezoning from PB to CU-RMF be approved and that the conditional use permit for a 56-unit multi-family complex be approved contingent upon all site plan requirements of the LUDO being met and the staff review committee recommendations are met.

Mr. Bill Scottland, representing the applicant, spoke in favor of the request. He commended Mr. Carpenter on the thorough review and assured Council that all staff review committee comments are acceptable to their design and would be met. He said this development would be privately owned and would be subject to City taxes, and would utilize water, sewer and cable as well. He said the total investment for the development would be 7.2 million dollars.

Councilman Eaddy asked Mr. Scottland if he would be agreeable to considering a buffer for the development. Mr. Scottland agreed that he would.

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

Councilman Rhyne made the motion unanimously approved to grant the zoning request.

Councilman Cloninger made the motion unanimously approved to consider the conditional use permit.

Findings of Fact:

(1) Councilman Rhyne made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
(2) Councilman Hovis made the motion unanimously approved that the use meets all required conditions and specifications.
(3) Councilman Eaddy made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
(4) Councilman Cloninger made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and would 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.

(5) Councilman Rhyne made the motion unanimously approved that the proposed ingress and egress points would not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-thoroughfare streets)

Councilman Cloninger made the motion unanimously approved that the conditional use permit be approved with the conditions presented by the Planning Board and staff review.

APPLICATION FROM RADWAN YOUSEF REQUESTING AN AMENDMENT TO SECTION 153.113 OF THE LINCOLNTON UNIFIED DEVELOPMENT ORDINANCE TO ALLOW HOOKAH CAFES AS A PERMITTED USE IN THE CENTRAL BUSINESS (CB) DISTRICT.

ZTA-1-2014

Mayor Gilleland opened the Public Hearing. He noted that the above noted applicant withdrew the above stated request on March 26, 2014.

Councilman Eaddy made the motion unanimously approved to close the public hearing.

RESOLUTION HONORING CAPTAIN CYNTHIA MONDAY ON HER UPCOMING RETIREMENT FROM THE LINCOLNTON POLICE DEPARTMENT:

(R-07-14)

Mayor Gilleland asked Captain Monday to come forward to be presented a resolution honoring her upcoming retirement. He read aloud the following resolution:

WHEREAS, *Captain Cynthia Monday* began employment with the City of Lincolnton on November 19th 1985, as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Captain Monday* has proven her leadership qualities, rising through the ranks in 1993 to a Police Sergeant; then in 1999 to a Police Lieutenant; and then in 2008 to Police Captain; and

WHEREAS, *Captain Monday* throughout her career contributed to the Lincolnton Police Department through change and growth of the agency, influencing others by her dedication to training new officers, her community oriented response to issues and her continued devotion to the citizens of Lincolnton and her fellow officers; and

WHEREAS, our lives are like a book in that the completion of a milestone concludes a chapter and *Captain Monday* will retire on May 1st, thus completing her chapter of service to the City of Lincolnton; and

WHEREAS, the Lincolnton City Council recognizes and expresses deep appreciation for her twenty-eight years of excellent public service provided to our citizens;

NOW, THEREFORE, BE IT RESOLVED that gratitude be shown to *Captain Monday* honoring her on her upcoming retirement, and that we extend congratulations and best wishes to her for continued success in all her future endeavors.

Adopted and presented the the 3rd day of April, 2014.

RESOLUTION HONORING MS. GEORGETTA S. WILLIAMS, FINANCE DIRECTOR ON HER UPCOMING RETIREMENT FROM THE CITY OF LINCOLNTON FINANCE DEPARTMENT:

(R-07-14)

Mayor Gilleland called upon Finance Director Georgetta Williams to come forward to be recognized for the upcoming retirement. He read aloud the following resolution:

WHEREAS, the City of Lincolnton does desire to recognize and honor employees of the City for dedicated and distinguished contributions to our City and its citizens; and

WHEREAS, *Georgetta S. Williams*, began employment with the City of Lincolnton on December 9, 1987 as an Accounting Clerk I in the Finance Department. She transitioned through the following positions during her tenure; serving as Accounting Clerk II, Accounting Technician, Assistant to the Finance Director, and Accounting Services Manager prior to accepting the position of Finance Director in 2006; and

WHEREAS, *Georgetta S. Williams*, has been instrumental in the City's receipt of the Certificate of Achievement for Excellence in Financial Reporting, for 24 consecutive years. Receipt of this award is the highest form of recognition in governmental and financial reporting given by the Government Finance Officers Association; and

WHEREAS, *Georgetta S. Williams*, over her tenure assisted the City through many financial and technological changes, serving unselfishly in her capacity going above and beyond to ensure the City's best interests were protected through the activities of the Finance Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to *Georgetta S. Williams*, honoring her on her upcoming retirement on May 1, 2014, and that we extend congratulations and best wishes to her as she begins the next chapter in her life.

Adopted and presented this the 3rd day of April, 2014.

CONSIDERATION OF SIDEWALK ART PROGRAM IN DOWNTOWN:
Ms. Christie McBride, 208 Hollow Road Lincolnton, spoke to Council about a program she would like to see implemented in Lincolnton. She referenced a program from Hendersonville, NC known as "Chalk It Up". She said this program allows one day per year for children and adults of all ages to come together downtown and draw sidewalk chalk art within a designated area. The art would be judged with everyone receiving something for participating.

Ms. McBride said she has found a sponsor for the chalk and there would be no cost to the City for this activity. The proposed date would be Saturday, August 2nd from 9 to 11 am in downtown Lincolnton.

Councilman Eaddy asked if there would be registration for the event and what type of chalk would be used for drawing. Ms. McBride said the chalk would be Crayola and would be easily washed away by rain.

Councilman Rhyne asked about the specific area for the event. It was determined that the 100 block of East Main Street would be the designated area for the event. He suggested someone talk with the downtown business owners prior to the event if approved.

After some discussion, the City Manager said he would check with the Business and Community Development Department to see if the proposed date would be available to hold the event. He also offered the B&CD offices assistance with coordinating the event. Councilman Eaddy made the motion unanimously approved to endorse the event.

CONSIDERATION OF ENDORSEMENT TO THE NCDOT FOR A THREE (3) LANE ROAD ON SOUTH LAUREL STREET TO ALLOW FOR A BIKE LANE:
Mark Carpenter, Zoning Administrator, reviewed the proposal from NCDOT to change the current four lane on S. Laurel Street to a three lane road, with five and a half foot bike lanes on each side of the street. He told Council NCDOT District Engineer Michael Poe asked the City to consider the change that if approved would be a part of the State's resurfacing project. If approved the State would cover the added project cost associated with making the conversion, the pavement markings and the signage for the bike lane.

After some discussion, during which Councilman Eaddy expressed concern with ensuring proper signage (noting the traffic pattern change) be provided, Councilman Rhyne motioned unanimously approved to conduct a Public Hearing for further discussion of this item. The City Clerk told Council that an amendment to the City's Code of Ordinances would be necessary to add language designating a bike lane for said street. A Public Hearing will be advertised for the

April 23rd special called meeting of the City Council, at 6:00 p.m., to conduct a hearing and report the City's decision for a bike lane to Mr. Poe prior to the May 1sy deadline. A budget work session will also be held to review the draft 2014-15 proposed budget at this meeting.

CONSIDERATION OF ADDING A BIKE LANE TO EAST DIXON STREET – CITY MAINTAINED STREET :

Mark Carpenter, Zoning Administrator, told Council that a newly formed citizens committee names WALC (Wandering Around Lincoln County) has been working with Carolina Thread Trail and local staff in an effort to further implement the Carolina Thread Trail Master Plan throughout Lincoln County. As a part of WALC's efforts, discussions have taken place regarding potential options for establishing one or more low cost pedestrian and/or bicycle connections between the existing rail trail and the existing sidewalk system along North Aspen Street.

The addition of a bike lane along East Dixon Street could serve on a interim basis a means for bicycle and pedestrian traffic until the trail envisioned by the concept plan could be funded and constructed. After some discussion, and the noted recent concerns from the Planning Director, no action was taken on this item. Mayor Gilleland asked that an update be provided at the May 1st meeting regarding this item.

REPORT REGARDING THE BOD STUDY – WASTEWATER TREATMENT PLANT:

Jeff Emory, City Manager, at the direction of Council obtains quotes for a potential study at the Waste Treatment Plant regarding the City's ability to increase its BOD allocations. He obtained the original quote from Pease and Associates, and was directed to obtain at least one other and report back to Council. Mr. Emory said he talked with several engineers with other companies and due to their unfamiliarity with the City's plant, these firms were not willing to provide an informal proposal. He suggested if Council were to proceed with authorizing this study, that he be allowed to contract with Pease and Associates in the amount of $ 18,300, to complete a study.

After some discussion, Councilman Eaddy made the motion to approve Pease and Associates conduct a study, as quoted to determine BOD allocations, for a contract price of $ 18,300.

The motion passed by a three to one vote. Councilmen Eaddy, Cloninger and Rhyne voted in favor and Councilman Hovis voted no.

DETERMINE DATE FOR A BUDGET WORK SESSION; APRIL 23 OR APRIL 24 AT 5:00 P.M. IN THE COUNCIL CHAMBERS OF CITY HALL:

Jeff Emory, City Manager, proposed the above mentioned dates for a budget work session. Councilman Eaddy made the motion unanimously approved to hold the budget work session on Wednesday, April 23rd at 6:00 p.m. in the Council Chambers of City Hall. The City Clerk was directed to advertise accordingly.

Councilman Eaddy confirmed with the City Manager that he would also like to discuss the various items he mentioned at the recent planning retreat; the purchase of garbage cans, continuing to fund two firefighters formerly funded through grant funds, contracting out mowing, the status of the proposed infill project, employee incentive program and several other items. Mr. Emory said he would be prepared to discuss these items and would hopefully have any necessary information by the April 23rd meeting.

Councilman Eaddy also commended Mr. Peeler, Public Works Director, for recently pointing out that the City, as far as employees, are where we were twenty-five years ago and we are still providing the same services to our citizens. "Doing more with the same" as noted in Mr. Peeler's retreat presentation provided to Council in late February.

MONTHLY FINANCIAL REPORT & OVERTIME REPORT:

Jeff Emory, City Manager, gave the following financial and overtime report update:

February 2014 Year-To-Date

Comparative for Budgetary Purposes - After Closing 2013 Fiscal Year

		13-14	% of Budget	12-13	Difference
General Fund					
Fund 10	Revenues	6,779,083.10	62.05%	6,636,829.29	142,253.81
	Expenses	5,733,781.38	56.11%	5,864,500.20	(130,718.82)
	Difference	1,045,301.72		772,329.09	272,972.63
Water & Sewer Fund					
Fund 61	Revenues	5,594,624.27	64.16%	5,732,196.68	(137,572.41)
	Expenses	3,636,198.12	46.04%	3,584,238.14	51,959.98
	Difference	1,958,426.15		2,147,958.54	(189,532.39)
Electric Fund					
Fund 63	Revenues	4,730,683.07	60.14%	4,503,888.63	226,794.44
	Expenses	4,640,741.71	72.29%	4,502,095.64	138,646.07
	Difference	89,941.36		1,792.99	88,148.37
Overtime		190,554.61		184,901.48	5,653.13

PUBLIC COMMENT:
Mr. Robert Tomlinson, a member of the Lincolnton Lion Club, spoke during the Public Comment portion of the meeting recognizing City Manager Jeff Emory for having received a recent award through the International Lions Club Association for having reached the twenty-five year membership level.

NEWS MEDIA:
There were no questions from the news media.

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

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