

A G E N D A

LINCOLNTON CITY COUNCIL

May 1, 2014

7:00 p.m.

Council Chambers

City Hall

**FOR YOUR CONVENIENCE A COPY
OF TONIGHT'S AGENDA
IS AVAILABLE, LOCATED TO THE
RIGHT OF THE ENTRANCE TO THE
COUNCIL CHAMBERS**

**ANYONE WISHING TO SPEAK
DURING THE PUBLIC COMMENT
PORTION OF THE AGENDA
PLEASE SEE THE CITY CLERK
PRIOR TO THE MEETING TO SIGN
UP**

**NON-AGENDA ITEMS WILL BE
DISCUSSED AND SPEAKERS WILL
BE LIMITED TO THREE (3)
MINUTES**

**A COPY OF THE RULES FOR PUBLIC
COMMENT ARE AVAILABLE AT THE CITY
CLERK'S DESK**

**THANK YOU FOR ATTENDING
OUR MEETING
AND FOR YOUR INTEREST
IN THE CITY OF LINCOLNTON**

A G E N D A

LINCOLNTON CITY COUNCIL

May 1, 2014

7:00 p.m.

CALL TO ORDER – Mayor John O. Gilleland, Jr.

PLEDGE OF ALLEGIANCE

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

All items placed under Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

3. Approval of the following minutes:

April 3, 2014 Regular Meeting

4. PROCLAMATIONS:

Older Americans Month – May 2014

National Nursing Home Week – May 11 – 17, 2014

National Public Works Week – May 18 – 20, 2014

5. Calls to Public Hearing for the June 5th City Council meeting:

(NONE to date – deadline is April 28th)

REGULAR AGENDA:

PUBLIC HEARING

- 6. 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 southwest corner of Huss Street and Skyway Lane (Parcel ID 21187 and 21186).**

Laura Simmons, Planning Director

RESOLUTIONS

(R-09-14)

- 7. Honoring Joe Picard on his upcoming retirement from the
Lincolnton Water Treatment Plant**

Mayor Gilleland

(R-10-14)

- 8. Honoring Johnny Sain on his upcoming retirement from the
Equipment Services Department**

Mayor Gilleland

PRESENTATION

- 9. Recreation Department Presentation**

Ritchie Haynes, Director

- 10. Presentation from Mrs. Pat Ballard and Ms. Tammy Parker
regarding speeding issues on Linwood Drive**

Mrs. Pat Ballard

PROCLAMATION

- 11. Relay for Life Event, May 2, 2014 in Lincolnton, NC - Mr. John
Dancoff to receive proclamation on behalf of the committee**

Mayor Gilleland

CONTRACTS

(C-05-14)

- 12. Consideration of awarding Chemical Bids for the Water and
Wastewater Treatment Plant**

Steve Peeler, Director of PW&U

CONTRACTS

(C-06-14)

- 13. Consideration of contract between the City and DDA for 2014
Wine Fest – October 11th**

**Brad Guth, B&CD Director
Cathy David, DDA**

(Amend C-03-14)

- 14. Consideration of amendment to the Contract, recently approved,
for 2014 Alive After Five Series - request to switch the location
from the west side of the court square to the east side of the court
square**

**Brad Guth, BC&D Director
Cathy Davis, DDA**

POLICY

(P-01-14)

- 15. Proposed amendment to the City's Personnel Policy – Article VI.
Leaves of Absence Section 3. Vacation Leave (B) Manner of
Accumulation; *increasing earned vacation time***

**Jeff Emory, City Manager
Tanya Osborne, HR Director**

OTHER BUSINESS

- 16. Monthly Financial Report & Overtime Report**

Jeff Emory, City Manager

- 17. Presentation of the proposed 2014 – 2015 fiscal year budget**

Jeff Emory, City Manager

AGENDA
May 1, 2014
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PUBLIC COMMENT

*Speakers will be limited to three (3) minutes to address Mayor and City Council concerning Non-Agenda items.
You must sign in with the City Clerk to be eligible to speak*

NEWS MEDIA

ADJOURNMENT

CLOSED SESSION

**In accordance with 143-318.11(a)(5)(i) to discuss
a proposed contract(s),
price and other material terms of a contract**

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

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.

REGULAR MEETING - APRIL 3, 2014

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 Scotland, 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. Scotland if he would be agreeable to considering a buffer for the development. Mr. Scotland 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

REGULAR MEETING - APRIL 3, 2014

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

REGULAR MEETING - APRIL 3, 2014

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.

REGULAR MEETING - APRIL 3, 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

REGULAR MEETING - APRIL 3, 2014

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 1st 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.

REGULAR MEETING - APRIL 3, 2014

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	7	184,901.48	5,653.13

REGULAR MEETING - APRIL 3, 2014

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**

ITEM #

4

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
Larry Mac Hovis, Mayor Pro-Tem
Devin Rhyne
Martin A. Eaddy
John L. Cloninger



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

OLDER AMERICANS MONTH 2014 A PROCLAMATION

WHEREAS, the City of Lincolnton includes many citizens ages 60 and older; and

WHEREAS, the older adults in the City of Lincolnton is committed to valuing all individuals and recognizing their ongoing life achievements; and

WHEREAS, the older adults in the City of Lincolnton play an important role by continuing to contribute experience, knowledge, wisdom, and accomplishments; and

WHEREAS, our older adults are active community members involved in volunteering, mentorship, arts and culture, and civic engagement; and

WHEREAS, recognizing the successes of community elders encourages their ongoing participation and further accomplishments; and

WHEREAS, our community can provide opportunities to allow older citizens to continue to flourish by:

- Emphasizing the importance of elders and their leadership by publicly recognizing their continued achievements
- Presenting opportunities for older Americans to share their wisdom, experience, and skills
- Recognizing older adults as a valuable asset in strengthening American communities

NOW, THEREFORE, I, JOHN O. GILLELAND, JR., Mayor of the City of Lincolnton, do hereby proclaim May 2014 to be "Older Americans Month". I urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

Adopted this 1st day of May, 2014

Donna Flowers, CMC
City Clerk

John O. Gilleland, Jr.
Mayor

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
Larry Mac Hovis, Mayor Pro-Tem
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John L. Cloninger



CITY MANAGER

JEFF EMORY
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CITY CLERK

DONNA C. FLOWERS, CMC
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CITY ATTORNEY

THOMAS J. WILSON, JR.

NATIONAL NURSING HOME WEEK PROCLAMATION

WHEREAS, the citizens of the City of Lincolnton, now residing in nursing homes have contributed immeasurably to the heritage, success and growth of our community; and

WHEREAS, nursing home residents of any age or ability are themselves living history and a precious resource; and

WHEREAS, member nursing homes of the American Health Care Association are holding events in observance of Nursing Home Week guided by this year's national theme of "Celebrating the Journey"; and

WHEREAS, Nursing Home Week begins on Mother's Day, May 11 and ends on May 17, 2014;

NOW, THEREFORE, I, JOHN O. GILLELAND, JR., Mayor of the City of Lincolnton, urge every citizen to honor the elderly and disabled residents of nursing homes to bring the community spirit to the residents and show appreciation to the staff who care for our most beloved citizens on our behalf.

John O. Gilleland, Jr.
Mayor

Donna C. Flowers, MMC
City Clerk

CITY OF LINCOLNTON

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CITY ATTORNEY

THOMAS J. WILSON, JR.

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, John O. Gilleland, Jr., Mayor of the City of Lincolnton, do hereby proclaim the week of May 18th – 20th, 2014 as

"National Public Works Week"

in the City of Lincolnton, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Lincolnton this 1st day of May.

John O. Gilleland, Jr., Mayor

ITEM #

5

MEMO TO: Jeff Emory
Donna Flowers

FROM: Laura Simmons

SUBJECT: Agenda Packet for the May 1, 2014 City Council Meeting

DATE: April 22, 2014

CALLS TO PUBLIC HEARING

We have no calls to hearing but will let you know if we receive any after the April 28 deadline.

ITEM #

6

MEMO TO: Mayor and City Council Members

FROM: Laura Simmons, Planning Director

THROUGH: Jeff Emory, City Manager

SUBJECT: CU-ZMA-2-2014- Application from Robert Lee Haynes, Jr. requesting conditional use rezoning of 0.83 acres from Residential -25 (R-25) to Conditional Use Neighborhood Business (CU-NB).

DATE: May 1, 2014

SITE AND AREA DESCRIPTION

The subject property is located on 0.83 acres of land made up of two parcels located at the southeast corner of Huss Street and Skyway Lane (Parcel ID 21187 and 21186). The applicant is requesting the site be rezoned from Residential-25 (R-25) to Conditional Use Neighborhood Business (CU-NB). The applicant plans to construct a 2,400 square foot office/storage building on the property.

Property surrounding the site is zoned R-25. However, land uses in the area vary from single family to the south and north to warehousing/commercial uses to the east and northeast, and a church to the west.

A portion of the property that is requested for rezoning was once a nonconforming used car dealership. That business has since lost its nonconformity due to being out of business for several years. The other parcel requested for rezoning has a single family dwelling located on it. (See attached maps.)

N-B Neighborhood Business District General Requirements

(1) This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. A Neighborhood Business District is typically a relatively small area but

shall consist of at least two lots in separate ownership or at least two acres regardless of ownership.

(2) Unlike the CB District, off-street parking, landscaping and yard requirements are established for the NB District.

SITE PLAN

The applicant requests conditional use rezoning in order to construct a 2,400 square foot office/warehouse on the property that was once used for the used car dealership. (See attached site plan).

Access to the site will be provided via a new concrete driveway located off of Skyway Lane, which is a private road and an existing entrance located on Huss Street. The entrance off of Huss Street will be provided through the property which has the single family dwelling located on it. Street landscaping and parking lot landscaping will be provided.

DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard rezoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to an office/warehouse.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan needs to provide additional or corrected information as outlined below in order to comply with the requirements of the ordinance:

- (1) Huss Street driveway width will need to be widened to 24 feet or closed off and access made via Skyway Lane only.
- (2) Screening will be required on rear of property adjacent to residential district.
- (3) Parking lot landscaping consisting of one large tree, one small tree, and 5 shrubs must be provided.
- (4) If any signs are to be erected, sign information must be provided.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County and the City Fire Marshal prior to issuance of building permits. All fire related matters including hydrants, sprinklers and fire access must be approved by the City Fire Marshal.
- (2) NCDOT will require a driveway permit for access to Huss Street, if existing driveway is used.

COMPLIANCE WITH WATER SUPPLY WATERSHED

The applicant will be disturbing less than one acre of land. Therefore, compliance with the Water Supply Watershed Standards is not required.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
4. 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 Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

LAND USE PLAN

The Lincoln Land Use Plan shows this property in the Residential Suburban Planning Area. The purpose of the planning area is for single family dwellings and development patterns should continue as single family dwellings.

In Staff's opinion, the rezoning request does not comply with the Land Use Plan. For the use to be permitted and comply with the plan it would need to be amended to show the property in the Neighborhood Business Planning Area.

The Neighborhood Business Planning Area states that "these planning areas are for small business clusters that cater to the needs of a small trading area. They are appropriate for smaller sized stores and establishments."

Staff feels that there is some merit to amending the land use plan. The project will be adjacent to Huss Street which is designated a minor thoroughfare. Land uses in the vicinity have a commercial element to them.

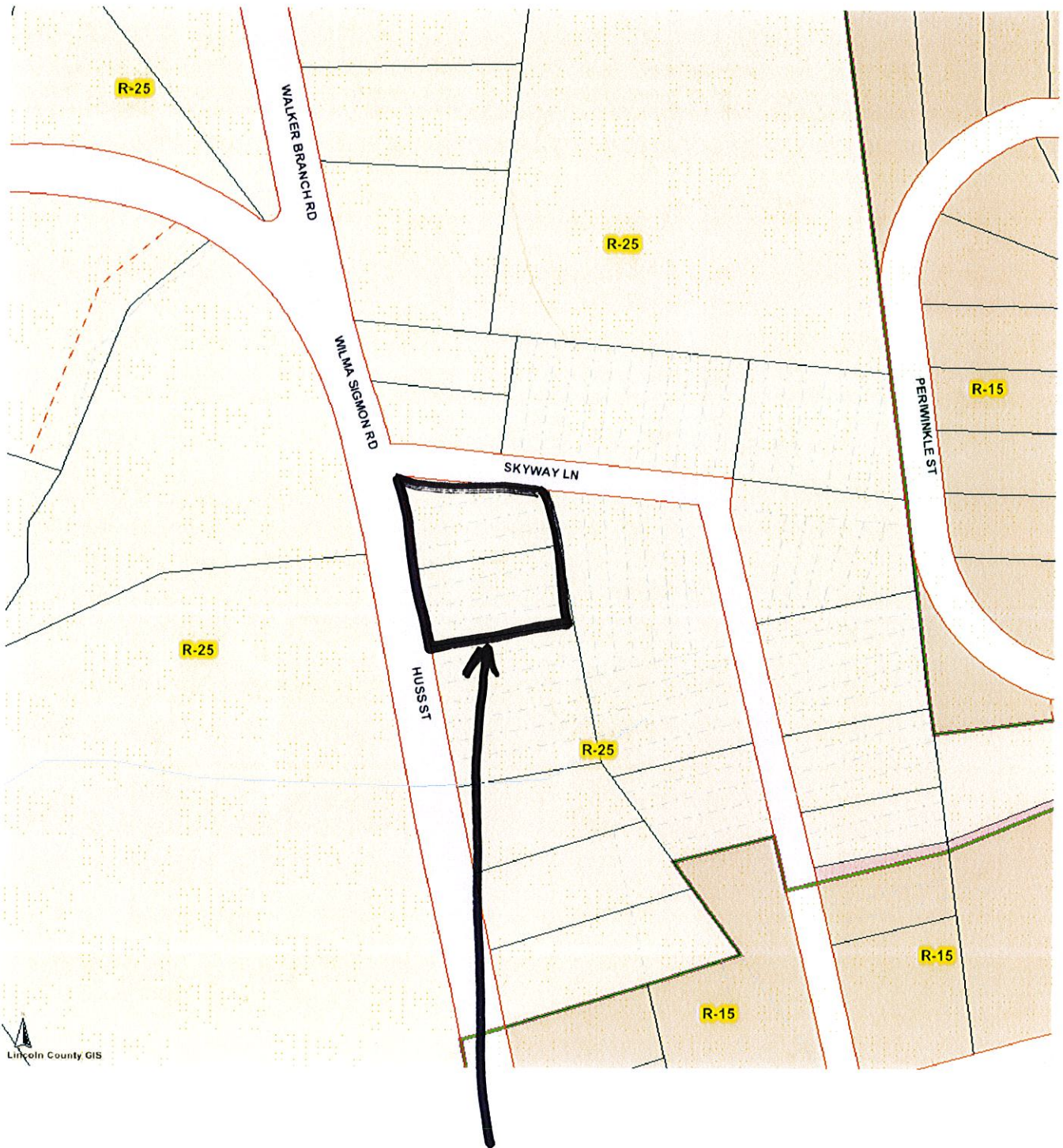
COMPLIANCE WITH FINDINGS OF FACT

- 1) It does not appear that the use will endanger the public health or safety.
- 2) The use meets required conditions and specifications subject to the submittal of a completed site plan and compliance with the Staff Review Committee conditions.
- 3) It does not appear that the use will substantially injure the value of adjoining or abutting property subject to compliance with the Staff Review Committee conditions.
- 4) The use is not in compliance with the Lincolnnton Land Development Plan. However, staff is proposing a change to the land development plan which would make this use consistent the plan.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following three actions:

1. Approve rezoning the property from R-25 to CU-NB
2. Approve the Conditional Use Permit for a 2,400 square foot office/warehouse use provided all site plan requirements of the UDO are met and subject to the Staff Review Committee conditions.
3. Amend the land use plan to show these two parcels in the Neighborhood Business Planning Area.



Requested for R-25 to CU-NB



Requested for R-25 to CU-NB



Google earth

feet 10
meters 3





Google earth

feet 10
meters 3





Google earth

feet 10
meters 3



ITEM #

7

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
Larry Mac Hovis, Mayor Pro-Tem
Devin Rhyne
Martin A. Eaddy
John L. Cloninger



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

RESOLUTION of Appreciation for

JOSEPH E. PICARD JR.

(R-09-14)

WHEREAS, Joseph E. Picard, Jr., began employment with the City of Lincolnton on October 11, 1995. During his employment, Joe has faithfully served the City as a Water Treatment Plant Operator at the Lincolnton Water Treatment Plant for eighteen years; and

WHEREAS, Joseph E. Picard, Jr., through his dedication and training with the NC Department of Environment and Natural Resources he received his Grade A-Surface certification in 1997, which is the highest grade available in water treatment; and

WHEREAS, Joseph E. Picard, Jr., has throughout his tenure assisted the City by serving on the Wellness Committee and the Safety Review Committee. He has conducted many tours of the Water Treatment Plant educating children as well the general public about treatment of our public water supply ensuring the best water quality for our citizens; and

WHEREAS, Joseph E. Picard, Jr., in the performance of his duties has shown himself to be very conscientious, dependable, and always working hard to give his best to the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Joseph E. Picard, Jr.,** honoring him on his upcoming retirement on June 1, 2014, 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 May, 2014.


DONNA C. FLOWERS, MMC
CITY CLERK


JOHN O. GILLELAND, JR.
MAYOR

ITEM #

8

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
Larry Mac Hovis, Mayor Pro-Tem
Devin Rhyne
Martin A. Eaddy
John L. Cloninger



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

RESOLUTION

Of Appreciation

For

JOHNNY G. SAIN

(R-10-14)

WHEREAS, Johnny G. Sain began employment with the City of Lincolnton on June 20, 2000 in the Equipment Services Department; and

WHEREAS, Johnny G. Sain in his position as Equipment Services Mechanic has assisted in maintaining and servicing the City's entire fleet of vehicles, sometimes working through storm events and natural disasters to ensure our workforce could continue to provide our citizens the essential services needed during adversity; and

WHEREAS, Johnny G. Sain, plans to retire with fourteen years of service effective June 1, 2014; and

WHEREAS, it is the desire of myself and the Lincolnton City Council to recognize and officially commend Johnny G. Sain 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 bestow congratulations to Johnny G. Sain for his years of public service and wish him continued success in all his future endeavors.

Adopted and presented this the 1st day of May, 2014.

DONNA C. FLOWERS, MMC
CITY CLERK

JOHN O. GILLELAND, JR.
MAYOR

ITEM #

10



City of Lincolnton

AGENDA REQUEST FORM

Please Print

Name Mrs. Pat Ballard
Address 719 Battleground Road Phone (704) 530-3564
Lincolnton, NC 28092 EMAIL: ball6919@bellsouth.net

Name of Firm or Corporation (if applicable) _____

Other Persons Accompanying Speaker Ms. Tammy Ballard

Purpose of Request to Appear To discuss issues with traffic/speeding
on Linwood Drive.

Council Meeting date you wish to appear May 1, 2014

Amount of time required for Presentation 5 to 10 minutes

Date form submitted to the City Clerk March 27, 2014

Taken by phone originally for 4-08-14

Signature of Requesting Party

DC7

Return forms to: City Clerk's Office
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

ITEM #

11

CITY OF LINCOLNTON

CITY COUNCIL

John O. Gilleland, Jr., Mayor
Larry Mac Hovis, Mayor Pro-Tem
Devin Rhyne
Martin A. Eaddy
John L. Cloninger



CITY MANAGER

JEFF EMORY
jeffemory@ci.lincolnton.nc.us

CITY CLERK

DONNA C. FLOWERS, CMC
donnaflowers@ci.lincolnton.nc.us

CITY ATTORNEY

THOMAS J. WILSON, JR.

PROCLAMATION

American Cancer Society Relay for Life Proclamation for Lincolnton

WHEREAS, Relay for Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay for Life of Lincolnton supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays-by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay for Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, John O Gilleland, Jr., Mayor of the City of Lincolnton, do hereby proclaim Friday, May 2nd and Saturday May 3rd 2014 as,

"RELAY FOR LIFE DAYS"

in Lincolnton and encourage citizens to participate in the Relay for Life event to be held downtown at the Lincoln County Court House beginning Friday, May 2nd, 2014 at 6:00 p.m.

JOHN O. GILLELAND, JR.
MAYOR

ITEM #

12



Memo

To: Jeff Emory, City Manager
From: Robert Pearson, Supt. Water Plant *RWP*
CC: Steve Peeler, Dir. PW&U
Donna Flowers, City Clerk
Donald Burkey, Supt. WWTP
Date: 04/21/14
Re: Recommendation for Chemical Companies

The 7/1/2014 – 6/30/2015 chemical bid opening was held on Thursday, April 17, 2014 at the Water Treatment Plant. Of the eight companies responding to our request, here are my recommendations:

Liquid Alum 8.23%: Univar USA, Inc. - \$259.11 per dry ton

Caustic Soda 50%: JCI Jones Chemicals - \$477.00 per dry ton

Chlorine: JCI Jones Chemicals - \$400.00 per cylinder

Hydrofluorosilicic Acid: Univar USA, Inc. - \$2.52 per liquid gallon

Earth Tec: Univar USA, Inc. - \$866.00 per drum

Carbon: Univar USA, Inc. - \$40.94 per 40 lb. bag

Liquid Sodium Hypochlorite 10% and 12.5%: Univar USA Inc. - \$0.6095 per liquid gallon for 10% and \$0.7314 for 12.5%

Liquid Sodium Bisulfite 38%: Univar USA, Inc. - \$1.38 per liquid gallon

I recommend that you and City Council approve these companies to do business with the water treatment plant for the fiscal year July 1, 2013 – June 30, 2014. The City Clerk has been notified to place my recommendations on the May agenda for approval. I would like to ask that we be notified of Council's approval so we may proceed with notifying the chemical companies of the results.

Donald Burkey, Supt. WWTP, as recommended by you and Steve Peeler, Dir. PU&W, declines the bid from JCI Jones Chemicals for liquid sodium hypochlorite and liquid sodium bisulfite due to a NPDES violation and fine issued to the City of Lincoln, WWTP caused by a bad load of chemicals. He therefore recommends Univar USA, Inc. for the purchase of liquid sodium hypochlorite 10% and 12.50% and sodium bisulfite.

Please note also that the Brenntag Mid-South, Inc. bid of \$31.50 per bag of carbon is for 50 pound bags. Because of the design of the carbon feed machine, we can only use 40 pound bags. This is specified several places in the bid package, therefore I reject this bid.

Attached is a list of all bids received.

Bid Opening: April 17, 2014

CITY OF LINCOLNTON										
CHEMICAL BIDS										
07/01/2014 - 06/30/2015										
NO.	NAME OF COMPANY	NB = NO BID	NB = NO BID	NB = NO BID	NB = NO BID	NB = NO BID	NB = NO BID	NB = NO BID		NB = NO BID
		Liquid Alum (dry ton)	Caustic Soda (dry ton)	Chlorine (cylinder)	Hydro- fluoroisilic Acid (liquid gal.)	EarthTec Algicide/ Bactericide (drum)	Carbon (40 lb. bags)	Hypochlorite (liquid gal.)	Liquid Sodium Hypochlorite (liquid gal.)	Sodium Bisulfite (liquid gal.)
		8.23%	50%					10%	12.50%	38%
1	DPC Enterprises, LP	NB	NB	500.00	NB	NB		NB	NB	NB
2	Univar USA, Inc.	259.11	493.00	NB	2.52	866.00	40.94	.6095	.7314	1.38
3	Brenntag Mid-Sought, Inc.	NB	486.00	NB	NB	NB	*31.50 50 lb. bags	NB	NB	1.62
4	JCI Jones Chemicals, Inc.	NB	477.00	400.00	NB	NB		**0.57	**0.65	**2.00
5	Key Chemicals	NB	491.98	NB	NB	NB		NB	NB	NB
6	C & S Chemicals	410.00	NB	NB	NB	NB		NB	NB	NB
7	Chemtrade Chemicals US, LLP	298.00	NB	NB	NB	NB		NB	NB	NB
8	GEO Specialty Chemicals	394.00	NB	NB	NB	NB		NB	NB	NB

*Bid Rejected - Proposal Specified 40 lb. bags

**Bids Rejected - These bids are rejected due to an NPDES violation and fine issued to the City of Lincolnton WWTP caused by a bad load of chemicals received from JCI Jones Chemicals, Inc.

ITEM #

13

Memorandum

To: Jeff Emory
From: Brad J. Guth
Date: 4/23/2014
Re: Special Event Request Third Annual Lovable Lincolnton Wine & Art Fest
CC: Chief Jordan

The Downtown Development Association of Lincolnton, Inc. requests permission to organize the third annual Wine and Art Fest Saturday Oct 11th. The event would require closing East Main Street between Court Square and Poplar Street and Academy Street between East Water Street and East Sycamore Street and permitting the sale and consumption of beer & wine within the event area.

This event highlights the wine industry in the region and is targeted to create a destination for day trip visitors from the Charlotte region to downtown Lincolnton. Wine production is a growing industry in the state. While the Yadkin Valley is probably the best-known area in the state for wine production, we have two wineries and three vineyards in Lincoln County and more in the surrounding area.

DDA volunteers and Business and Community Development staff will coordinate the event. Approximately 40 vendor spaces will be available on Main Street between Court Square and Poplar Street for vineyards and wineries to sample and sell their products. DDA will be responsible for securing and coordinating all required permits and insurance for the event as well as monitoring alcohol sales and consumption in the event area.

Ten wineries participated in the inaugural event. DDA expects to attract more wineries, vendors and visitors for the third annual event.

ITEM #

14

Memorandum

To: Jeff Emory
From: Brad J. Guth
Date: April 23, 2014
Re: 2014 Alive After Five Concerts Location Change
CC: Chief Jordan; Steve Peeler; Rob Buff

The Downtown Development Association Board of Directors would like to change the location of the Alive After Five Summer Concerts to the 100 Block of East Main Street. A number of East Main Street business owners have expressed interest in having the event closer to their businesses. Promotion Work Group volunteers are surveying all the businesses affected to determine if the change will be broadly supported.

DDA also intends to host car cruise-ins with each of the concerts this year. These cars will be allowed in the 200 block of east Main Street with Access at Poplar Street. [This area is typically closed because of traffic detour requirements] DDA will have volunteers available to manage access for the vehicles.

The concerts will be Thursday May 29th, June 26th, July 31st, August 28th and September 25th.

The 'draft wagon' will be positioned in the 100 Block of East Main Street between 6:00 p.m. and 9:00 p.m. the day of each event. Purchasing and consumption of beer would be restricted to that area between Court Square and Academy Street. DDA volunteers will supervise and monitor the area. Everyone purchasing beer will be required to be 21 years of age and be wearing a tyvex wristband. Drink sales will be limited.

DDA will secure all required permits and purchase alcohol liability insurance at a cost of just over \$3,000 to cover itself and name the City as an additional insured.

ITEM #

15

CITY OF LINCOLNTON

Human Resources Department



MEMORANDUM

To: Jeff Emory, City Manager

From: Tanya Osborne, Human Resources 

Re: Personnel Policy Amendment
Vacation Leave-Manner of Accumulation, Article VI, Section 3B1

Date: April 24, 2014

Please find attached **Article VI Section 3B1** (page 55) as revised to implement the City's new method of calculating vacation accruals. This change was discussed at the City's Budget Workshop on March 7-8, 2014, and again at the workshop on April 23, 2014. If approved, the amendment to the Personnel Policy would be effective July 1, 2014. As discussed at the last workshop, I request the amendment be included on the agenda for the May 1st council meeting.

If you have any questions or concerns, please let me know.

attachment

**AMENDMENT TO THE PERSONNEL POLICY
OF THE CITY OF LINCOLNTON**

Article VI. Leaves of Absence

Section 3. Vacation Leave

(B) Vacation Leave – Manner of Accumulation

- (1) Any employee working the basic workweek of 40 hours shall earn vacation leave at the following rates:

<u>Years of Service</u>	<u>Hours per Year</u>
1 through 4	80 hours
5 through 9	96 hours
10 through 14	120 hours
15 through 19	144 hours
20 years and over	176 hours

This amendment shall be effective July 1, 2014.

Adopted this the _____ day of _____, 2014.

Donna C. Flowers, City Clerk

Johnny O. Gilleland, Jr., Mayor

ITEM #

16

May 2014 Council Meeting
Executive Summary
March 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	7,466,534.19	70.56%	7,212,717.21	253,816.98
	Expenses	6,499,393.38	64.46%	6,617,426.67	(118,033.29)
	Difference	967,140.81		595,290.54	371,850.27
Water & Sewer Fund					
Fund 61	Revenues	6,239,885.04	68.84%	6,467,944.87	(228,059.83)
	Expenses	3,914,285.89	47.09%	3,829,919.29	84,366.60
	Difference	2,325,599.15		2,638,025.58	(312,426.43)
Electric Fund					
Fund 63	Revenues	5,340,036.10	67.88%	5,048,309.34	291,726.76
	Expenses	5,171,164.08	73.36%	5,041,897.60	129,266.48
	Difference	168,872.02		6,411.74	162,460.28
Overtime		218,906.86		206,874.51	12,032.35

ITEM #

17

***NO BACK UP PROVIDED
TO CITY CLERK
FOR THIS ITEM***

***(SHOULD BE PROVIDED
AT THE CITY COUNCIL
MEETING)***

**CLOSED
SESSION**