

REGULAR MEETING - JUNE 5, 2014

The Mayor and City Council met in regular session on Thursday June 5, 2014 at 7:00 p.m. in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton North Carolina.

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

RHYNE CLONINGER EADDY HOVIS

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

Councilman Rhyne made the motion unanimously approved the following items on the ***CONSENT AGENDA***:

- Approved Minutes of the following meeting:
 - April 23, 2014 - Budget Work Session
 - May 1st, 2014 - Regular Meeting
 - May 7th, 2014 - Budget Work Session
 - May 21st, 2014 - Budget Work Session
- Approved a Call to Public Hearing for the July 10th meeting:
ZTA-2-2014 – Application from City Planning Dept. requesting an amendment to the Lincolnton Unified Development Ordinance – Section 153.117 of General Manufacturing & Commercial District and Section 153.258 site plan review requirements
- Approved (BA-02-14) Budget Amendment – 2013-2014 Fiscal Year End
- Approved a contract (C-07-14) between the City and Mark Knuckles Associates, Inc. for Annual Compliance Watch Consultation Services
- Approved a contract (C-08-14) between the City and EAP & Counseling Associates for Employee Assistance Program

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REGULAR AGENDA:

PROPOSED AMENDMENT TO THE CITY'S CODE OF ORDINANCE – TITLE XI – BUSINESS REGULATIONS

ADD: CHAPTER 115 – PAWNBROKERS, METAL DEALERS AND SCRAP DEALERS: (O-02-14)

Mayor Gilleland opened the public hearing and called on Rodney Jordan, Chief of Police to review the request. Chief Jordan reviewed the following proposed amendment to the City's Code, which if approved would add this as a new section to our Code of Ordinances;

AN ORDINANCE TO REGULATE PAWNBROKERS, METAL DEALERS AND SCRAP DEALERS IN LINCOLNTON

WHEREAS, the North Carolina General Assembly has determined it necessary to regulate pawnbrokers, cash converters, and precious and scrap metal dealers in Article 45 of Chapter 66 of the North Carolina General Statutes (the "Act," as the same may be amended from time to time); and

WHEREAS, pursuant to the Act, Pawnbrokers, Cash Converters, Dealers and Secondary Metals Recyclers (as such capitalized terms are defined by the Act) are required to keep certain records of their transactions, and to make such records available to local law enforcement agencies having jurisdiction thereof; and

WHEREAS, the Act authorizes local law enforcement agencies to determine the means and methods of transmitting certain required records to the local law enforcement agencies; and

WHEREAS, the Lincolnton City Council finds that such records could best be organized and maintained by electronic transmission to the Lincolnton Police Department; and

WHEREAS, the City finds that an ordinance regulating the maintenance and transmission of such records would therefore be beneficial to the health, safety and welfare of the citizens of Lincolnton.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Sec. 1. Purpose

The purpose of this ordinance is to provide for a means of electronic record-keeping and record-submission of Pawnbrokers, Cash Converters, Dealers and Secondary Metals Recyclers to the Lincoln County Sheriff's Office.

Sec. 2. Definitions

For the purposes of this ordinance, all words used herein shall have their ordinary and customary usage, except for those capitalized terms contained herein, which shall contain the same meanings and definitions as found in the Act, the terms and conditions of which are incorporated herein by reference thereto. Without in any way limiting the foregoing:

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“Cash Converter” shall be defined as provided in N.C.G.S. §66-387(2).

“Dealer” shall be defined as provided in N.C.G.S. §66-406(1).

“Pawnbroker” shall be defined as provided in N.C.G.S. §66-387(4).

“Secondary Metals Recycler” shall be defined as provided in N.C.G.S. §55-420(8).

Sec. 3 Electronic Record-Keeping and Reporting Requirements for Pawnbrokers

Pawnbrokers shall keep the records required by N.C.G.S. §66-391 in an electronic format and shall report such records electronically in a manner authorized by the Lincolnton Police Department.

Sec. 4. Electronic Record-Keeping and Reporting Requirements for Cash Converters

Cash Converters shall keep the records required by N.C.G.S. §66-392 in an electronic format and shall report such records electronically in a manner authorized by the Lincolnton Police Department.

Section 5. Electronic Record-Keeping and Reporting Requirements for Dealers

Dealers shall keep the records required by N.C.G.S. §66-410 in an electronic format and shall file such records electronically in a manner authorized by the Lincolnton Police Department.

Section 6. Electronic Record-Keeping and Reporting Requirements for Secondary Metals Recyclers

Secondary Metals Recyclers shall keep the receipts and the records required by N.C.G.S. §§66-421 and 66-422 in an electronic format and shall transfer such receipts and records electronically directly to the Lincolnton Police Department in a manner authorized by said Police Department.

Sec. 7. Severability If any provision of this chapter or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

This ordinance shall become effective upon adoption. This the 5th day of June 2014.

Upon review Chief Jordan told Council adoption of this ordinance would be in keeping with Lincoln County and its adoption would provide conformity within the City limits, as in Lincoln County, regarding regulations for

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Pawnbrokers, Metal Dealers and Scrap Dealers. He concluded recommending adoption.

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

Councilman Eaddy made the motion unanimously approved to adopt the ordinance as recommended.

PUBLIC HEARING TO RECEIVE COMMENT ON THE PROPOSED 2014 – 2015 FISCAL YEAR BUDGET.

(O-03-14)

NOTE: Action on this item, after closing the Public Hearing, includes adopting the Budget Ordinance (O-03-14) and 2014-15 schedule of fees

Jeff Emory, City Manager provided Council with a handout that was to be changed out in their proposed budget books. These pages reflected the changes made by Council at our last budget work session. The total budget, after the proposed changes, made the City's 2014-15 operating budget \$ 28,214,995.00. Jeff noted a proposed tax increase, as eliminated by majority vote of City Council, was removed from the budget.

The proposed budget included; No reduction in City services, no tax increase, and three (3) positions were permanently eliminated. One in the Planning Department, one in the Fire Department and one in the Fleet Maintenance division. Two of these positions were eliminated upon retirement of employees and one was eliminated as a result of loss of grant funding.

Jeff noted that monies were included to upgrade the City's website, and to provide a 1% cost of living increase to employees as suggested by Mayor and City Council. A two week Holiday bonus for all employees was also included in the budget.

Insurance changes that would be made effective July 1st, were elimination of spousal coverage to those spouses that are offered insurance through their employer. Discussion of discontinuing coverage for all spouses took place and some Council members feel further discussions may need to take place prior to next years budget.

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Several citizens spoke in opposition to the proposed budget they were; Nancy Stokes (she opposed changes to employee insurance) Tom Hawk (he opposed the City increasing their contribution to the County for 911 services and changes to employee insurance) Robert Tomlinson (he opposed adoption of the budget at this meeting as well as concerns of continuing the Downtown Development Program through Business & Community Development – He requested an internal audit of the DDA.

Councilman Rhyne and Councilman Eaddy felt in light of all the budget work sessions that were held, and the information provided tonight, the budget should be considered for adoption. This item generated much discussion.

After further discussion, Councilman Cloninger made the motion unanimously approved to close the public hearing.

Councilman Rhyne made the motion unanimously approved to adopt the proposed budget, with the changes noted, as recommended. The adoption of the budget included adoption of the budget ordinance and the 2014-15 schedule of fees. *(A copy of the fee schedule is attached and will become a permanent part of these official minutes)*

HONORING PATRICIA FINSTER FOR HER UPCOMING RETIREMENT FROM THE PLANNING DEPARTMENT:

(R-11-14)

Mayor Gilleland called on Lee Hansen to come forward, to accept on behalf of his mother, a resolution honoring her retirement from the City. Mrs. Pat Finster had surgery earlier in the week and was not able to attend to accept. Mayor Gilleland read the following resolution aloud;

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

WHEREAS, Patricia J. Finster served as Administrative Support Specialist for the City of Lincoln Planning Department from April 1996 through July 2001 and then as Senior Administrative Support Specialist from 2001 through 2014; and

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WHEREAS, Patricia J. Finster served on the City's Wellness Committee; served as Secretary to the Lincolnton Planning Board and Board of Adjustment and assisted both the Planning Director and Zoning Administrator in many facets regulating and planning growth to encourage the most appropriate use of land, buildings, and other structures within the Lincolnton jurisdiction.

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Lincolnton wishes to officially commend Patricia J. Finster for her valuable and outstanding service rendered to the City, and that appreciation and honor be shown to her on her upcoming retirement July 1, 2014. May congratulations and best wishes be extended as she begins the next chapter in her life.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the City of Lincolnton and that a copy of this resolution be presented to Patricia J. Finster.

Adopted and presented this the 5th day of June 2014.

CITY OF LINCOLNTON – 2014– 2015 SALARY SCHEDULE / SCHEDULE OF BUDGETED POSITIONS:

(R-12-14)

Jeff Emory, City Manager, requested adoption of the 2014-15 pay scale and list of 157 bulleted positions. A resolution was presented as follows;

WHEREAS, the proposed 2014-15 fiscal year budget has been prepared by the City Manager and presented to the Mayor and City Council; and

WHEREAS, the proposed 2014-15 fiscal year budget includes a recommended salary schedule and schedule of budgeted positions;

NOW, THEREFORE, BE IT RESOLVED, that the City of Lincolnton adopts the "Salary Schedule" and "Schedule of Budgeted Positions", for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

Adopted this the 5th day of June 2014.

Councilman Eaddy made the motion unanimously approved to adopt the resolution as presented and recommended.

PRESENTATION TO NATHAN EUREY – LINCOLNTON RECREATION DEPARTMENT:

Mayor Gilleland called Mr. Nathan Eurey to the front, along with Mr. Ed Willis and his wife Kristen, to be recognized. Mr. Eurey on a Saturday, May 5th,

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utilized CPR on a soccer referee, Mr. Ed Willis, at Highland Drive Park. Nathan reacted quickly and was able to maintain heart rhythm until paramedics arrived. Mr. Willis's heart attack may have been fatal had it not been for the heroic efforts of Nathan Eurey, Program Coordinator for the Lincolnton Parks and Recreation Department.

Mayor Gilleland commended him on behalf of the City and its citizens for his quick reactions. Mr. & Mrs. Willis thanked him also and said they are eternally grateful to Nathan for saving Mr. Willis' life.

PRESENTATION TO LPD OFFICER JIMMY BARLOWE – DEPARTMENTAL LIFE SAVING MEDAL:

Rodney Jordan, Chief of Police, and Mayor Gilleland called Lincolnton Police Officer Jimmy Barlowe to the front to present him with a "Life Saving Medal" for his heroic act on the evening of March 17, 2014.

Chief Jordan said, "On March 17th Officer Barlowe was dispatched to 2446 East Main Street in reference to a customer causing a disturbance. Officer Barlowe cannot explain why, but he drove to 2568 East Main Street, which was not the original dispatch location. He was met by a young woman yelling for help, stating that another young woman was dying or already dead. Officer Barlowe could see the woman was slumped over the steering wheel of the car and was unresponsive. He immediately began checking for a pulse or sign of breathing and found neither. Officer Barlowe began sternum rakes and yelled at the young woman to see if she would respond. EMS was dispatched to the other location and not yet on the scene.

Officer Barlowe carried the victim from the car and laid her on the grass. Officer Hayes arrived on scene and notified dispatch of the correct location to send EMS to. Officer Barlowe began CPR on the victim and after about six chest compressions, she gasped for air and began to breathe and her heart began pumping on its own again. He remained with her and kept her awake and talking until EMS arrived on the scene. Had Officer Barlowe not have driven to the wrong location and immediately began CPR, it is possible that the outcome would have been tragic for this young lady.

While Officers are trained in basic first aid and CPR, most officers will go their entire career and not be put in a position to have to utilize the technique.

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Officer Barlowe went above and beyond his normal call of duty that day and in my belief, saved this young woman's life. The identity of the young woman is being withheld to protect her privacy.

Mayor and Council commended Officer Barlowe for his efforts and assisted Chief Jordan in presenting him a "Life Saving Medal".

DEPARTMENTAL PRESENTATION FROM THE HUMAN RESOURCES DEPARTMENT:

Tanya Osborne, HR Director, provided a thorough overview of the responsibilities of the Human Resources Department. He identified her staff, listing Carmen Somers as the Receptionist for the City and Administrative Support Specialist for HR, Johnnie McClain as the City Hall Custodian and Wendi Foster as the HR Benefits Coordinator.

Tanya told Council her department is responsible for administering the benefits for employees and their spouses, for dental, health and vision plans. She assist nine total departments and 157 employees. She said her department is responsible for the recruitment process as well as the retirement process for all positions within the City. She said her departmental mission is "Serving the citizens through the employees". She commended her staff and thanked the Mayor and City Council and management for all that they do for the employees and the City as a whole.

INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN COUNTY FOR MASS NOTIFICATION SYSTEM (REPLACING THE CURRENT WENS SYSTEM AGREEMENT) 3 YEAR AGREEMENT = \$ 7,384.00 1ST YEAR, \$ 6,836.59 2ND AND 3RD YEAR

(C-07-14)

Jeff Emory, City Manager, recommended that Council adopt a new agreement between the City and Lincoln County for mass communication notifications. Currently the agreement between the City and County is known as the WENS System, a new provided has been selected by the County for Reverse 911 services. The contract if approved would be between the County and Everbridge. The City and County would contract as an interlocal agreement. Both parties would assign one contact person to coordinate and administer the Reverse 911 services for its organization. Lincoln County would take the lead role as overall "Administrator" for any overall coordination issues but would consult other parties if any decision may reasonably affect service.

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The new contract would still name Lincoln County as the lead administrator but would remove Lincoln County Schools from the agreement. This mass communication would provide emergency alert calls and or text or emails to Lincolnton and Lincoln County citizens regarding potentially hazardous weather. There is also a part of the system that will allow each entity to send general messages if they so choose. The new system would be called "Lincoln Alerts", and LincInfo" and all parties agree to participate reasonably in public relations campaigns to advertise and publicize the service.

Jeff concluded saying, "I believe the cost of \$ 7400.00 is well worth the benefit we get from this system".

Councilman Rhyne made the motion unanimously approved to enter into the agreement as recommended by the City Manager.

UPDATE ON CONTRACTS WITH LINCOLN COUNTY – WATER, E-911-ANIMAL CONTROL, ETC.

(C-08-14)

Jeff Emory, City Manager, told Council he has received written response from Lincoln County regarding the last offer made by the City regarding the proposed agreements discussed by the City and County.

Jeff said, "The County has agreed to purchase water at a price of \$ 1.15 per gallon. They also agree to the original set points at which the City will take over maintenance of County sewer systems. The County is not willing to bill any sewer only customers for the City." "I assume this means there will be no fire contract adopted at this time, but I will verify this with the County Manager." "Last, the County has proposed a new tier system whereby the City would pay for 911 and animal control services. At the end of five years we can provide our own 911 services or we will go back to the original County proposal, which included some pretty hefty fees for 911 and animal control."

This item generated much discussion. At the conclusion Councilman Cloninger made the motion unanimously approved to make one final offer to Lincoln County, for water only – not tying any other contract to the water contract – for \$ 1.15 per 1000 gallons.

Mr. Emory said he would communicate this back to County Manager Tracy Jackson.

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UPDATE ON CITIZEN REQUEST REGARDING SPEEDING ISSUE ON LINWOOD DRIVE (MRS. PAT BALLARD):

Rodney Jordan, Chief of Police, recommended placing a stop sign at the end of Linwood Drive at the intersection of Battleground and Linwood. He also suggested adding signage indicating “stop ahead” in the curve. Chief Jordan said he also suggests that a couple more speed limit, depicting the current speed limit, be erected near that portion of the street for more visibility. He plans to work with the school to find out what needs to take place to have the road remarked as a school zone.

While the stop ahead signage could be erected immediately, the added stop sign would take a public hearing to amend the City’s Code of Ordinances.

Councilman Rhyne made the motion unanimously approved to conduct a public hearing at our July 10th City Council meeting to consider amending the ordinance adding a stop sign at the end of Linwood Drive and Battleground.

DISCUSSION OF DATE FOR OFFICIAL RECOGNITION OF COMPLETION OF PHASE III OF THE MARCIA H. CLONINGER RAIL TRAIL :

Mayor Gilleland called on Councilman Cloninger to discuss available dates for official recognition of the completion of Phase III of the Marcia H. Cloninger Rail Trail.

Councilman Cloninger said in light of the heat he would like to look at doing something in the fall rather than this summer. Mayor Gilleland asked that everyone look at their calendars and come back at a future meeting and confirm a date for this fall.

UPDATE ON INCENTIVE PROGRAMS AVAILABLE THROUGH THE CITY:

Jeff Emory, City Manager, said Mayor Gilleland had asked that he provide an update on the various grant and incentive programs currently offered by the City. He provided a summary of each, noting the Façade Grant program and the Architectural Grant program are included in the City’s annual operating budget in the Central Business Enhancements line item, in the Business & Community Development Department.

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Jeff said, “The incentive grant program for Substantial Building Rehabilitation is the most recent program approved whereby a substantial building rehab is eligible for reimbursement of ten dollars per one hundred dollars of assessed value. The revolving loan program is for the primary purpose of buying or restoring DDA owned property for whom ordinary financing is not available.

The redevelopment incentives for downtown are as follows:

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Councilman Rhyne questioned if the City received a difference of value in the work performed, value before the work and after the work is performed. Mr. Emory said he did not know.

Councilman Rhyne also questioned, “Does the City currently have a standing incentive grant policy? And are our downtown merchants aware of these policies?” Mr. Emory said we do not have these available online the only way someone would know about the grant possibilities would be to approach Business and Community Development. Jeff said he plans to make the website upgrade, where this information could be available, a top priority.

MONTHLY FINANCIAL & OVERTIME REPORT:

Jeff Emory, City Manager, provided the following report to Council for financials and overtime for the City as of April 2014;

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UPDATE FROM CITY ATTORNEY REGARDING PRAYER AT CITY COUNCIL MEETING:

TJ Wilson, City Attorney, discussed options with Council regarding public prayer. He referenced information the City Clerk obtained from the School of Government regarding prayer at local government meetings.

After much discussion, the City Attorney was directed to obtain samples of policies adopted by other cities outlining the rules and procedures for public prayer or moment of reflection.

PUBLIC COMMENT:

Sherry Rhinehardt spoke to Council, thanking them for their recent funding to the Child Advocacy Center for \$ 1860.00. She expressed her deepest appreciation for going the extra mile and providing this funding.

Robert Tomlinson spoke thanking the City Public Works Department for their recent cleanup efforts and he thanked the Sanitation Department for working during inclement weather.

NEWS MEDIA:

There were no questions from the News Media although Wayne Howard made a public comment regarding Prayer at Public Meetings. He encouraged the City Council not to observe a moment of silence at public meetings, he said he would rather have prayer.

ADJOURNMENT:

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

DONNA C. FLOWERS, MMC
CITY CLERK

One (1) Attachment – 2014-15 Fee Schedule

JOHN O. GILLELAND, JR.
MAYOR