

A G E N D A

LINCOLNTON CITY COUNCIL

November 6, 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
November 6, 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 the 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 Minutes from the October 2, 2014 regular meeting

(P-03-14)

4. Approval of revisions to Standard Operating Guidelines for the
Lincolnton Fire Department

5. Proclamation – November 2014 as National Caregivers Month

6. Calls to Public Hearing for the December 4th City Council meeting:

- CUP-6-2014: Application from New Dominion Bank requesting the renewal of a conditional use permit to construct a 33-unit condominium complex on 5.25 acres in the CU-RMF district. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range facility (Parcel ID 86678).
- CUP-7-2014: Application from Hugo Ramos requesting a conditional use permit for a church on 0.49 acres in the CU-GB district. The subject property is located on the south side of East Sumner Street between North Poplar Street and North Cedar Street. The address of the property is 300 East Sumner Street (Parcel ID 51568).

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REGULAR AGENDA:

PUBLIC HEARINGS

(O-09-14)

7. Proposed changes to Title VII- Traffic Code – General Provisions – Chapter 70 – Golf Carts on Public Streets – Sections 70.31 through 70.40 of the City's Code of Ordinances

Rodney Jordan, Police Chief

(O-10-14)

8. Proposed changes to Title IX – General Regulations – Chapter 90 – Animals and Fowl; Section 90.06 – Animals at Special Events – Sections (B) and (C) of the City's Code of Ordinances

Rodney Jordan, Police Chief

CONTRACT

(C-20-14)

9. Proposed contract between the City and Civic Plus in the amount of \$ 20,027 for design and deployment of the City's Webpage (*NOTE: This contract includes the approval of an additional \$ 3,837 per year for three years for annual hosting , system enhancements, Maintenance, and Support*)

Jeff Emory, City Manager

RESOLUTION

(R-13-14)

10. Resolution honoring Janice Smith– Lincolnnton Public Works & Utilities Department on her upcoming retirement – December 1, 2014

Mayor Gilleland

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RESOLUTIONS

(R-14-14)

- 11. Resolution of Intent to commit to matching funds and to submit a grant application to “Assistance to Firefighters” Grant (AFG) for 30 new Air Packs and 30 Two-Way Radios for the Lincolnton Fire Department – Grant Funds = \$ 310,000 with a required 5% City match of \$ 15,500**

Mitch Burgin, Fire Chief

(R-15-14)

- 12. Resolution revising the structure of the Lincolnton Tourism Development Authority**

Jeff Emory, City Manager

RESOLUTIONS

(R-16-14)

- 13. Consideration of Resolution of Support for a Congestion Mitigation and Air Quality (CMAQ) Improvement Grant for \$ 158,000 with a local match of \$ 42,000 required by the City**

Laura Simmons, Planning Director

(R-17-14)

- 14. Consideration of request to surplusing timbers owned the the City and Lincoln County to the Lincolnton-Lincoln County Airport**

Jeff Emory, City Manager

OTHER BUSINESS

- 15. Consideration of a request from the Lincolnton-Lincoln County Airport Authority through Lincoln Economic Development Association**

Crystal Gettys, LEDA

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OTHER BUSINESS

16. Request from Downtown Development Association that the City consider rolling over unexpended funds from the Business & Community Development Department Façade Grant Program to the Downtown Development Association Venture Fund

Brooke Sherrill, Chair of DDA

17. Discussion of current Adopt-A-Street Program

Steve Peeler, Director of PW&U

18. Monthly Financial Update/Overtime Report

Jeff Emory, City Manager

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 prior to the meeting to be eligible to speak.

CLOSED SESSION

In accordance with NCGS 143-318.11(a)(6)
to discuss personnel

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL
OF
CONSENT
AGENDA

ITEM #

3

REGULAR MEETING - OCTOBER 2, 2014

The Mayor and City Council met in regular session on Thursday, October 2, 2014, at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Those in attendance were:

RHYNE CLONINGER EADDY HOVIS

City Clerk Donna Flowers was absent due to illness and Daphne Ingram filled in and drafted the minutes of this meeting.

Mayor John Gilleland opened the meeting thanking everyone in attendance for participating in city government, asking them to stand as he led the Pledge of Allegiance.

Councilman Cloninger made the motion unanimously approved to add item # 16 to the REGULAR AGENDA – City Website agreement/contract

Councilman Rhyme made the motion unanimously approved the amended ***REGULAR AGENDA***.

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

- Approved August 27, 2014 – Special Meeting minutes
- Approved September 4, 2014 – Regular Meeting minutes

REGULAR AGENDA:

Before opening the Public Hearing, Councilman Eaddy made a motion unanimously approved to recues Mayor Gilleland, who currently serves on the First Federal Savings Bank board of directors, from item #4.

Mayor Gilleland opened the public hearing, reading as follows:

CUP-4-2014 – APPLICATION FROM FIRST FEDERAL SAVINGS BANK REQUESTING A CONDITIONAL USE PERMIT TO CONSTRUCT A PARKING LOT ON 0.60 ACRES OF LAND IN THE RESIDENTIAL-OFFICE (R-O) DISTRICT. THE SUBJECT PROPERTY IS LOCATED ON

REGULAR MEETING - OCTOBER 2, 2014

THE SOUTH SIDE OF EAST WATER STREET APPROXIMATELY 100 FEET WEST OF THE INTERSECTION OF EAST WATER STREET AND SOUTH CEDAR STREET. THE PHYSICAL ADDRESS OF THE PROPERTY IS 324 WATER STREET (PARCEL ID 00629).

He continued stating the hearing is to be conducted in a quasi-judicial manner requiring all persons wishing to speak to the matter be sworn in.

Once oaths were administered to those wishing to speak, Planning Director Laura Simmons presented report from staff and planning board giving details on the specific size and location of the property as well as purpose for the request. Construction, landscape and lighting details were also provided. Staff review committee recommended approval with some additional comments. Conditional use permits findings of facts would also have to be met. Planning Board also recommended approval of the conditional use permit subject to the staff review committee comments, as well as an additional condition that the bank allow use of the parking lot by the public during special events.

Public Works Director, Steve Peeler, as well as, Mr. Kelly Atkins, representing the applicant, were in attendance and available to answer any questions regarding the request. Mr. Atkins did request that the additional condition regarding use by the general public during special events be on case by case bases. With some discussion among Council, Councilman Rhyne recommended removing that condition from the approval.

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

Councilman Eaddy made the motion unanimously approved to consider request.

Mayor Gilleland request individual motions and votes on each of the following four findings of fact;

Councilman Eaddy made the motion unanimously approved the use will not materially endanger the public health or safety if located where proposed and developed according to plan.

REGULAR MEETING - OCTOBER 2, 2014

Councilman Hovis made the motion unanimously approved the use meets all required conditions and specifications

Councilman Cloninger made the motion unanimously approved the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity

Councilman Rhyne made the motion unanimously approved 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

Councilman Eaddy made the motion to approve the request and delete the recommendation of the Planning Board.

PROCLAMATION – 60TH ANNIVERSARY OF POLIO AWARENESS – OCTOBER 12 – 19, 2014:

Mayor Gilleland presented a proclamation recognizing Polio Awareness week. Ms. Morgan, as well as two other ladies, were in attendance for the presentation. Several members of Council spoke to their personal experiences and how polio touched their lives.

PRESENTATION FROM LINCOLN ECONOMIC DEVELOPMENT ASSOCIATION:

City Manager Jeff Emory, as an introduction, informed Mayor and Council of the conversation with Mr. Cliff Brumfield, Director of LEDA, regarding some assistance LEDA may be able immediately give the City. Taking the floor, Mr. Brumfield spoke to Council regarding some of the various programs LEDA has available as the City focuses on economic development. He provided each Councilmember a copy of the organization annual report for fiscal year July 2013 – June 2014. Mr. Brumfield gave a brief overview of what's happening in the area referencing the Lincoln County Industrial Park and other areas. He also spoke to the partnership with the school system and Gaston College that will allow students to be trained and equipped for positions available within these industries upon graduation. Small businesses are also being targeted. Mr. Brumfield continued with his presentation giving various ways the area is being marketed. He

REGULAR MEETING - OCTOBER 2, 2014

expressed the excitement over the airport business park and hanger space and how this can attract business but assured Council that the sale of water is still a top priority. RFP's have been sent out and work will continue to be done. Some discussion was generated regarding what will be required of the city when a client is identified. Both City Manager Jeff Emory and Mayor John Gilleland thanked Mr. Brumfield and his staff for their assistance and for a job well done.

DEPARTMENTAL REPORT FROM THE LINCOLNTON PUBLIC WORKS DEPARTMENT:

Mr. Steve Peeler, Director of Public Works, gave a departmental presentation on the Public Works Department. He reported this department is comprised of 9 separate and distinct operational Divisions (Public Works, Street & Property Maintenance, Solid Waste, General Services, Equipment Services, Water Treatment Plant, Distribution & Collection, Waste Water Treatment Plant, Electric Distribution). There are 67 Budgeted positions (not including 4 in our Budget that report to another Department) and make up 42.7 % of the Budgeted Positions in the City. In 1987 the department comprised over 50 % of the Budgeted Positions. Since 1987 the population, and service area of the City of Lincolnton has more than doubled. This department is responsible for \$16,455,526 of the Municipal Budget.

Mr. Peeler, in the interest of time, gave a broad brush look at the Public Works Divisions of the Public Works & Utilities Department, focusing on Public Work/Utilities Administration, Street & Property Maintenance, Solid Waste, Equipment Services and General Services. He briefly spoke on each department, specifying the number of employees within the department and stating the departments' mission and/or job duties as well as needs within the department that need to be addressed in order to continue providing excellent service to our citizens.

Mr. Peeler concluded his presentation stating, "Mayor and Council, you have repeatedly said the employees are the City's greatest asset. It could not be said better."

REQUEST FOR ERECTION OF SIGNAGE TO ACKNOWLEDGE LINCOLNTON AS A MILITARY HONOR OF THE PURPLE HEART (MOPH) CITY

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Mr. Reep and Commander Ruben Flax, representing Chapter 285 out of Iredell County, addressed Mayor and Council regarding Lincolnton being a Purple Heart City. Commander Flax addressed Council explaining the significance of the honor and the purpose of the request. If approved signage would be erected acknowledging Lincolnton as a Purple Heart city. A flag would also be provided to be displayed. Councilman Hovis referred to the Veterans Memorial currently on the court square. City Manager Jeff Emory stated this request has actually already been approved by Council. Mayor Gilleland confirmed logistical problems stopped the process. Mr. Reep verified that two signs and a flag will be provided to the City to be erected, and he personally plans to purchase two more signs to be erected on 321. Mayor Gilleland personally apologized for the confusion confirming that once signs are received, things will move forward.

CONSIDERATION OF AWARDING BIDS TO SSI-SCHAEFER IN THE AMOUNT OF \$105,880.00 FOR 2000 WHEELED REFUSE CONTAINERS:

(C-19-14)

City Manager Jeff Emory spoke to this item, beginning by thanking Mr. Steve Peeler and Mr. Rob Buff for putting the bid packages and specs. together. Mr. Emory continued stating that \$110,000.00 was budgeted for the purchase of 2000 containers with a low bid of \$105,880.00 from Schaefer. All specifications were met. Mr. Emory voiced his concern regarding the current sanitation equipment in use and the need to purchase a new truck next year. Per the drawing, the north side will proceed starting January 1, 2015. Answering Councilman Rhyne's question regarding pricing, Mr. Emory verified that company would not commit to holding the current quoted price. Councilman Eaddy confirmed that Council will be briefed on how citizens will be educated on this process. He also asked about disposal of old containers. Discussion was generated regarding what could be done with Mr. Buff committing to check on the possibility of recycling those containers. There was also discussion regarding encouraging citizens to recycle more in order to decrease the amount of household garbage.

Councilman Eaddy made the motion unanimously approved to accept the City Managers recommendation to award the low bid to Schaefer for 2,000 roll-out containers.

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APPOINTMENT OF NOMINEES TO THE 2014-2015 LINCOLNTON STUDENT ADVISORY COUNCIL:

(APPT-04-14)

Mayor John Gilleland directed Councils attention to the list of nominees for the 2014-15 Student Advisory Council. Councilman Eaddy requested to fill the last City Council vacancy nominating Logan Heafner, being the total number of nominees to twenty-five. Logan lives on Salem Church Road and is currently a senior at Lincolnton High School.

Councilman Rhyne made the motion unanimously approved to the appointment of nominees to the 2014-15 Lincolnton Student Advisory Council.

ADDITION OF LANGUAGE REGARDING THE USE OF BODY CAMERA'S TO THE LINCOLNTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURES (SOP):

(P-02-14)

Rodney Jordan, Police Chief, spoke to this request explaining each officer who is assigned a new vehicle will also be assigned a body worn camera. Twelve different camera were researched. Out of eight cameras that were actually quoted, one was identified they believe will work well for the department. According to Chief Jordan, cameras have been purchased however because there is currently no language specifically to the use, the department has come up with a new policy and procedure to be added to the current Standard Operating Procedures manual to cover the use of the new cameras.

With no questions from Council for Chief Jordan, Councilman Eaddy made the motion unanimously approved to adopt policy to support the use of body cameras by the Police Department.

CONSIDERATION OF ADJUSTING FEES FOR ONLINE PAYMENTS:

Mr. Steve Zickefoose, Finance Director, addressed Mayor and Council regarding adjusting the current fee charged by the City for making online utility payments. Mr. Zickefoose explained the current fee, which is paid by the customer, is \$4.75. However, after taking a closer look and evaluating the fee, Mr. Zickefoose stated that a \$2.75 fee is more in line with what the City's cost for the service is and is therefore recommending that Council adjust this fee to \$2.75 per transaction.

REGULAR MEETING - OCTOBER 2, 2014

Councilman Eaddy commented that hopefully reducing the cost will encourage more citizens to use the service.

Councilman Rhyne made the motion unanimously approved to adjust fee was recommended by the Finance Director.

For informational purposes only, Mr. Zickefoose informed Council customers are now able to make their payment using a credit or debit card at the drive-thru window as well as at the payment counter.

UPDATE ON DELINQUENT SEWER CUSTOMERS:

City Manager Jeff Emory gave Council an update on the delinquent sewer customers, referred to as the Route 90 customers. Mr. Emory, directing Finance Director Steve Zickefoose to explain this option in more detail, informed Council of the City's intension to use the North Carolina Debt Set-off program to possibly collect this revenue. Mr. Zickefoose explained the City currently uses this program to collect other debts. He explained that due diligence of notification is required. Customers would be sent a letter with a 30 day notice before name is submitted for collection. Money is collected through the North Carolina Dept. of Revenue and the Lottery Commission. There is currently a potential \$45,000.00 that can be turned over for collection. Mr. Zickefoose stated he has also spoken with several collection agencies, who basically directed him back to the debt set-off program.

In summary, Mr. Zickefoose suggested the City attempt collection through the debt set off program, before going to the next step of using a collection agency. There is zero cost to the City for the use of this program.

Much discussion was generated among Council and staff. Final direction from Council is to proceed with debt set-off program as well as exploring other options regarding collecting revenue and monthly billing from these customer including Mr. Emory contacting the County again about the proposed fire contract.

REGULAR MEETING - OCTOBER 2, 2014

DISCUSSION OF DATES FOR A SPECIAL CALLED MEETING TO DISCUSS THE NEXT STEP OF THE STRATEGIC PLANNING PROCESS

City Manager Jeff Emory informed Council no potential date for meeting was available until after meeting with staff. Mr. Jim Processor may also conduct telephone interviews with Council during the process. There will also be an “open house” with public participation scheduled in the near future.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

City Manager Jeff Emory gave his monthly financial /overtime report. Mr. Emory reported thing looking good compared to last year at the same time. The City is \$115,490.09 positive in the General Fund compared to last year. Water and Sewer Fund \$26,464.93 positive and Electric \$71,325.11. Overtime is \$2,018.51 above. Mr. Steve Zickefoose reported auditors are very close to finalizing numbers.

PROPOSED WEBSITE CONTRACT:

Added to agenda night of meeting no contract number issued at this meeting

City Manager Jeff Emory began commending the website committee for all of their hard work on this project. Mr. Emory did apologized for not getting the contract to Council earlier for their review. Steve Zickefoose and Abby Cole were unable to reach a representative regarding several questions Council had with wording on the contract. Mr. Emory suggested waiting to next month before taking action. Because of questions, Mayor Gilleland suggested everyone review contract again to identify additional questions, directing staff to contact representative on Monday with the list of concerns. Some discussion was generated regarding a realistic launch date with Mr. Steve Zickefoose giving some detail to the steps taken in this process and why the target date has been changed. He also answered questions from Councilman Rhyne about social media and if it is included in the contract.

PUBLIC COMMENT:

No one spoke under the public comment portion of the meeting.

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NEWS MEDIA:

Elizabeth Heffner requested of copy of the information provided by Mr. Cliff Brumfield, Director of LEDA, during his presentation. Ms. Heffner was given a copy of the Lincoln Economic Development Associations Annual Report for fiscal year July 2013 – June 2014 that Mr. Brumfield handed out to City Council

ADJOURNMENT:

Councilman Eaddy made the motion unanimously approved to adjourn the meeting.

DONNA C. FLOWERS, MMC
CITY CLERK

JOHN O. GILLELAND, Jr.
MAYOR