The Mayor and City Council met in regular session on Wednesday, January 7, 2015 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. opened the meeting and led the Pledge of Allegiance. Council members in attendance were:

RHYNE CLONINGER EADDY HOVIS

Councilman Eaddy made the motion unanimously approved to amend the ***REGULAR AGENDA*** adding item #14 Closed Session to discuss the acquisition of property.

REGULAR AGENDA:

APPLICATION FROM TRIANGLE REAL ESTATE REQUESTING AMENDMENTS TO SECTION 153.215 OF THE LINCOLNTON UNIFIED DEVELOPMENT ORDINANCE IN REGARDS TO PLANNED RESIDENTIAL DEVELOPMENT REQUIREMENTS:

(ZTA-4-2014)

Mayor John Gilleland opened the meeting up to a public hearing regarding the
Proposed zoning text amendment. Planning Director Laura Elam spoke to
Item explaining the proposed amendment requested revisions to the Unified
Development Ordinance, Section 153.215, Planned Residential Developments,
in order to better accommodate development of an apartment complex within
the City's zoning jurisdiction. The proposed amendment seeks the following revisions:

Approve the amendment by making changes to what the applicant has requested.

1. an increase in the permissible density of up to 14 dwelling units per acre,

2. allowance for up to three units to be stacked within buildings of up to 48 feet in height,

3 a slight decrease in the on - site parking requirements,

4. allowance of additional areas of the site to be counted towards the required amount of improved common open space, a decrease in the required spacing between buildings and the edge of pavement of any private street or off-street parking area within the development,

5. elimination of a standard prohibiting exterior building walls to be unarticulated for a horizontal distance of more than 40 feet, a decrease in the required on-site building separation, and allowance for more flexibility in the project phasing standard.

The specific changes are outlined below with language to be deleted ~~struck through~~ and language to be added underlined and highlighted in red:

Section 153.215 PLANNED RESIDENTIAL DEVELOPMENTS.

All planned residential developments (PRDs) shall be developed in accordance with the standards of this section.

(A) *Purpose and intent.*

(1) Planned residential developments (PRDs) may consist of either single-family dwellings, duplexes or multi-family dwellings or a mixture of the housing types. A variety of dwelling types and physical arrangements may be permitted such as single-family detached houses, lot-line houses, village houses, twin houses, duplexes, patio houses, atrium houses, townhouses, other cluster arrangements or other multi-family arrangements ~~provided no dwelling unit is located over another dwelling unit~~ such as storied or stacked dwelling units allowing a maximum of up to three (3) units stacked vertically over top of each other. These dwelling unit types are defined in §153.031 of this chapter.

(B) *Project requirements.* The following minimum requirements shall be applicable to planned residential developments.

(2) *Maximum density.*

(b) Allowed densities for PRDs for each applicable zone are as follows:

Zone	Basic Density Allowed (Units Per Acre)
R-25	6
R-10	3
R-8	6
RMF	8
R-O	~~10~~ 14

(3) *Dwelling unit types.* Allowed dwelling unit types for PRDs for each applicable zone are as follows:

Dwelling Unit	R-25	R-10	R-8	RMF	RO
Single-family detached houses	Yes	Yes	Yes	Yes	Yes
Lot-line houses	Yes	Yes	Yes	Yes	Yes
Village houses	Yes	Yes	Yes	Yes	Yes
Patio houses	Yes	Yes	Yes	Yes	Yes
Twin houses	Yes	No	Yes	Yes	Yes
Duplexes	Yes	No	Yes	Yes	Yes
Townhouses	Yes	No	Yes	Yes	Yes
Atrium houses	Yes	No	Yes	Yes	Yes
Multi-family and other developments ~~(no units over units)~~	Yes	No	Yes	Yes	Yes

(9) *Maximum building height.* ~~Thirty-five feet.~~ Forty-eight feet.

(11) *Parking.*

(b) Where common parking areas are used, at least one and one-half parking spaces shall be provided for each one-bedroom unit, ~~two~~ one and three-quarters for each two bedroom dwelling unit and ~~three~~ two for each three or more bedroom dwelling unit. However, where dwellings are designed specifically for elderly and/or handicapped persons the minimum parking requirements shall be one and one-fourth parking spaces per dwelling unit.

(14) *Multi-family units.* In projects where multi-family units (dwelling units where more than two units are attached) are proposed there shall be an area or areas of improved common open space. The area or areas in combination shall be at least 10,000 square feet in area or 500 square feet in area per multi-family dwelling unit, whichever is greater. (As used in this section the term **IMPROVED COMMON OPEN SPACE** shall mean land and/or water areas within the site designated for development, exclusive of lands occupied by streets, street rights-of-way or off-street parking, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and to be inclusive of all undeveloped, onsite, side yard areas that are adjacent to multi-family residential buildings that are maintained by the property owner, or areas which ~~has~~ have been improved with recreational areas and amenities such as but not limited to playgrounds, ballfields, tennis courts, nature trails, gardens, swimming pools, clubhouses and the like.)

(16) *Additional requirements for multi-family projects.* The following additional requirements apply to multi-family projects.

(a) No principal residential building side (front, rear, left or right) shall be located closer than ~~20~~ 10 feet to the edge of pavement of any private street or off-street parking area within the development.

(e) ~~No dwelling unit shall be located over another dwelling unit.~~ (Request to delete Section and refer to **Section A.1**)

(f) ~~No exterior wall of a building shall run unarticulated for a horizontal distance of more than 40 feet.~~ (Request to delete Section)

(g) No multi-family principal building shall be located closer than ~~40~~ 25 feet to any other principal building within the development.

(17) *Phases.* Each phase of a multi-phased project shall be able to stand as an independent project~~.~~ unless the initial phase constructed is designed in a manner which will support the entire development upon completion of the initial phase. As used in this section, the term ***PHASE*** shall refer to that portion of the project for which the applicant requests a conditional use permit. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the maximum density established approved for the project.

The proposed changes to Section 153.215 would modify provisions of the ordinance originally written in 1990 and Staff views the proposed changes as compatible and in harmony with the intent of the regulations. The proposed changes are sought in order to better accommodate a planned apartment complex the applicant intends to develop in Lincolnton's zoning jurisdiction. Any development under these regulations would require a conditional use permit application to be submitted and reviewed by the Planning Board and approved by the City Council prior to construction. This will allow the Board and Council to add any conditions that would be reasonable for the specific site on which the development is proposed.

There are three available options for consideration of this application:

1. Approve the amendment by allowing the changes as proposed by the applicant.
2. Approve the amendment by making changes to what the applicant has requested.
3. Deny the proposed amendment.

The Planning Board and Staff recommend Option 2 and favor approval of the requested text amendment as proposed by the applicant with the exception of the requested elimination of Section 16 (f).

Mr. Williams Ratchford, representing Triangle Real Estate, was in attendance and available to answer any questions from council member. Mr. Ratchford gave some of the history of the company, explained why they were requesting that the text be changed, and also answered questions regarding specific details about the proposed project. City Attorney T. J. Wilson advised that questions regarding the specific location of the project were not appropriate at this time.

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

Councilman Hovis made the motion unanimously approved to accept Planning Board and Staffs recommendation and approve the requested text amendment as proposed by the applicant with the exception of the requested elimination of section 16 (f).

RESOLUTION HONORING UTILITY BILLING SUPERVISOR MYRLDENE PEELER FOR TWENTY-NINE YEARS OF SERVICE TO THE CITY OF LINCOLNTON

(R-01-15)

Mayor Gilleland called Mrs. Myrldene Peeler forward to present her a framed resolution honoring her retirement from the City of Lincolnton. The Mayor began by thanking Myrl for her years of service, the long hours worked over the years and for all that she has done for the City of Lincolnton. He read the resolution aloud as follows:

R E S O L U T I O N

of Appreciation for

MYRLDENE L. PEELER

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, Myrl Peeler has served the City of Lincolnton in both the Finance and Utility Billing Department for twenty-nine years. She was promoted to Utility Customer Service Supervisor in 2010; and

WHEREAS, Myrl Peeler received a certificate in Intermediate Accounting; she participated in the Effective Supervisory Management Program through the School of Government, and she completed the City's Supervisory Leadership Development Program.

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Lincolnton wishes to officially commend Myrl Peeler for her valuable service rendered to the City and its citizens, and that appreciation and honor be shown to her on her upcoming retirement February 1, 2015. 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 Myrl Peeler.

Adopted and presented this the 7th day of January, 2015.

RESOLUTION HONORING FIRE CHIEF DAVID "MITCH" BURGIN FOR THIRTY YEARS OF SERVICE TO THE CITY OF LINCOLNTON

(R-02-15)

Mayor Gilleland called Chief Burgin forward to present him a framed resolution honoring his retirement from the City of Lincolnton. Mayor Gilleland expressed appreciation for what Mitch has done for the City of Lincolnton and for the entire community. The resolution was read aloud as follows:

R E S O L U T I O N

Of Appreciation For

D A V I D "M I T C H" B U R G I N

WHEREAS, *David "Mitch" Burgin* has dedicated his career to public service holding a variety of roles in public safety. He joined the Lincolnton Fire Department September 8, 1980 as a volunteer firefighter. On May 6, 1984 he became a full time employee starting his career as a Fire Control Specialist I. Mitch rose through the ranks becoming a Captain at the station in 2004; He was promoted to Assistant Chief in 2007 and then in 2012 he was named Lincolnton's Fire Chief; and

WHEREAS, *David "Mitch" Burgin* received his Associates Degree in Fire Protection Technology from Gaston College in 2004, graduating with honors while receiving the President's Award for Excellence. He continued his education throughout his tenure attending the Fire & Rescue Management Institute through UNCC and the NC Chief Officers Executive Development Program through the NC Association of Fire Chief's both in 2007; and

WHEREAS, *David "Mitch" Burgin* being a true leader, providing excellent Public Safety to the citizens of Lincolnton and it's citizens, for more than thirty years has announced his plans to retire effective February 1, 2015 ; and

WHEREAS, I, John O. Gilleland, Jr., and the Lincolnton City Council would like to formally recognize and officially commend *David* "*Mitch*" *Burgin* for the outstanding service rendered to the City of Lincolnton and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that we congratulate *David* "*Mitch*" *Burgin* for providing excellent Public Safety to citizens of Lincolnton for over thirty years and wish him continued success in all his future endeavors.

Adopted and presented this the 7th day of January, 2015.

<u>APPLICATIONS FOR VACANCIES ON THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY:</u>

(APPT-01-15)

Due to only one application being received, item was tabled to next month, extending the deadline for those interested in serving to apply. Mayor Gilleland challenged each council member to actively recruit individuals willing to serve. There was some discussion regarding the establishing guidelines for the expenditure of the funds which the committee would be charged to oversee. Councilman Eaddy suggested that Council explore establishing some simple guidelines to help the committee in their deliberations. When asked for his legal advice, City Attorney T.J. Wilson agreed that the this was something that should be investigated. City Manager Jeff Emory also encouraged council to encourage those they may be interested in serving on this board, as with any of the board or commissions, to contact the clerk's office and submit an application. Mayor Gilleland directed Mr. Emory to contact the managers of the other two hotels regarding their participation. Councilman Rhyne reminded Council about the bed & breakfast establishment currently operating inside the city limits.

<u>UPDATE ON ROUTE 90 CUSTOMERS/ DEBT SETOFF PROGRAM</u>

Finance Director Steve Zickefoose updated City Council on the status of the Route 90 customers. Mr. Zickefoose revealed that since October, an additional $20,008 of uncollected revenue has been added to the NC Debt Setoff Program bringing the eligible amount to be collected to $87,901. He noted that $736.75 has been collected through the program since July 1st. This program relies on state income tax refunds and lottery proceeds therefore the results will not be evident for a few more months. There are thirty-one active customers a part of the list hence the debt is still increasing City Manager added that at Councils direction, he had spoken to the former County Manager regarding the possibility of the county collecting the revenue in exchange for fire coverage but has not contacted the new County Manager.

When asked their opinion by Mayor Gilleland, Council directed City Manager Jeff Emory to pursue every collection avenue possible. Councilman Eaddy was very clear and did inform that at some point he will make a motion to disconnect the line and discontinue service to this area. In response to Councilman Rhynes' question regarding the actual amount of revenues not collected, Mr. Zickefoose stated close to $200,000 has not been paid. The $87,901.00 amount is what is deemed collectable within the three year window allowed by the Debt Setoff Program.

Mr. Emory advised that he would contact the current County Manager regarding the issue again offering fire protection in exchange for collecting the revenue.

UPDATE ON CITYWIDE ADOPT-A-STREET PROGRAM

Public Works & Utilities Director Steve Peeler gave an update to City Council on the Adopt-A-Street Program. Mr. Peeler confirmed that sixteen participants were originally a part of the program. Because he was already in contact with one of the participants, letters were mailed to the other fifteen participants inquiring about their desire to continue in the program. Forms, along with a self-addressed stamped envelope was included in each letter. Mr. Peeler reported he has received a verbal response from two of the organizations expressing their interest to continue their participation as well as confirmed continuation from the one participant he personally contacted. Five letters were returned as undeliverable leaving no response has been received from the remaining ten.

Councilman Rhyne suggested that the program be opened up to those who may be interested in participating. Mr. Peeler responded by stating some of the various ways information can be made available to the public regarding the program with the City website and news media being named.Councilman Rhyne also suggested the rail-trail being included.

DISPOSAL OF SANITATION REFUSE CONTAINERS :

City Manager Jeff Emory began by announcing that new containers were delivered mid-December with the process going well. Mr. Peeler reported that calls have been minimal and the systems seems to be working well.

After some discussion with Mr. Peeler and the suggestion of City Clerk Donna Flowers, it was decided to designate an area for citizens to dispose of their old containers. This can be relayed to citizens in their February billing statement, in addition to advertising it in the various media outlets and via phone message. Councilman Eaddy expressed his appreciation to staff for making this an option to the citizens.

PROPOSAL FROM RECREATION COMMISION REGARDING GREEN SPACE IN DOWNTOWN :

Recreation Director Richard Haynes and Councilman Devin Rhyne both spoke to this item, providing very detailed plans for a proposed downtown park. Members on the Recreation Commission are in agreement that there is a need for restrooms downtown. Mr. Haynes noted that most cities similar in size have some type of downtown park and/or green space. If located near the Marcia H. Cloninger Rail-Trail, these restrooms would also be available for those utilizing the trail, solving our current problem of no public restrooms along the trail. As a side note, Mr. Haynes did announce that restrooms are now available at City Park. This offers restrooms on both ends of the trail but none in the middle.
Councilman Rhyne distributed a drawing of the proposed park to the members of Council. He, like Mr. Haynes, expressed the importance of having green space and/or a downtown park in the City of Lincolnton. Mr. Rhyne, on behalf of the Recreation Commission, stated his reason for addressing Council was to ask permission to take the project from the rendering presented to the next step. Once information was collected, proposed would be brought back to Council. Councilman Rhyne thanked Stacy Smith of Gallery 27 for donating her time and efforts to produce the plan view and render of the project. Council was also given a sample

budget of what the project may look like. Cooperate sponsorship will be solicited, with two entities already currently expressing interest. The location of the park has not been determined but hopefully can be built within a block or two of Main Street in either direction. Councilman Rhyne continued his presentation listing several features planned such as a splash pad, monument and office, which he feels could possibly house Lincolnton's Business & Community Development department and/or a Welcome Center. Councilman Rhyne concluded stating that he was confident that project can be funded without touching the General Fund or tax payer dollars.

Some discussion was generated with Mayor Gilleland and several Councilman expressing positive feedback with the idea and commending the Councilman Rhyne, Ritchie Haynes and the Recreation Commission for all of the work that has been done so far and giving them permission to move forward with the project.

MONTHLY FINANCIAL/OVERTIME REPORT

Providing a copy of the November 2014 Year-To-Date Executive Summary to each councilmember, City Manager Jeff Emory presented his report as follows:

January 2015 Council Meeting

Executive Summary

November 2014 Year-To-Date

Comparative for Budgetary Purposes

		14-15	% of Budget	13-14	Difference
General Fund					
Fund 10	Revenues	4,151,739.81	39.14%	4,114,353.79	37,386.02
	Expenses	4,388,846.12	51.29%	4,248,375.53	140,470.59
	Difference	(237,106.31)		(134,021.74)	(103,084.57)
Water & Sewer Fund					
Fund 61	Revenues	3,681,419.85	41.99%	3,470,144.45	211,275.40
	Expenses	1,838,321.67	29.48%	1,932,854.40	(94,532.73)
	Difference	1,843,098.18		1,537,290.05	305,808.13
Electric Fund					
Fund 63	Revenues	3,326,439.94	40.74%	3,081,795.77	244,644.17
	Expenses	2,899,683.02	38.65%	2,618,258.97	281,424.05
	Difference	426,756.92		463,536.80	(36,779.88)
Overtime		135,954.36		136,572.84	(618.48)

Executive Summary November 14.xlsx

Mr. Emory stated report is currently trending as expected. Regarding overtime, $618.00 less has been spent compared to what was spent at this time last year. There were question from Council regarding the report from Council.

CONSIDERATION OF DATE FOR 2015 PLANNING RETREAT

City Manager Jeff Emory spoke to this issue acknowledging the fact that even with the suggested modifications to the format, Council should allot at least a day and a half for the retreat. Mr. Emory reminded Council retreat is normally held sometime in late February to early March. After checking their calendars, Council decided to schedule the 2015 annual planning retreat February 27th and February 28th.

CONSIDERATION OF JULY CITY COUNCIL MEETING DATE

Due to a change with Councilman Eaddy's schedule in July, Mayor Gilleland requested the July 2nd City Council meeting date be changed to June 25th.

Councilman Rhyne made the motion unanimously approved to change the July City Council meeting to June 25, 2015.

PUBLIC COMMENT

Mr. Dale Punch expressed his feelings about how the recent issue with City Manager Jeff Emory has been handled. Mr. Punch questioned how several Councilman could be aware of what happened and accept the explanation that it was an oversight. He continued giving several examples of unacceptable things Mr. Emory has done that he feels City Council has not addressed properly. City Attorney T.J. Wilson advised Councilman Larry Mac Hovis to refrain from responding to a question directed at him regarding attending a race he accused Mr. Emory of accepting free tickets for. Mr. Punch concluded expressing the people of Lincolnton's displeasure with how things are being done.

Mr. Robert Tomblinson spoke regarding an opportunity of service and extended an invitation to the Mayor and City Council to join him at the

Boger City United Methodist Church and support, " Stop Hunger Now". He stated that volunteers would be at the church on Saturday, January 10^{th} from 9:00 a.m. to 12:00 noon stuffing 10,000 bags to feed the hungry. This is being done in conjunction with the Lions Club. Donations are accepted

CLOSED SESSION:

Councilman Eaddy made the motion unanimously approved to enter into Closed Session in accordance with NCGS -143-318.11(a)(5), stated by City Attorney T. J. Wilson, to discuss the acquisition of property

Mayor John Gilleland reported there was a motion to return to regular session. No action was taken in closed session**.**

NEWS MEDIA:

There were no questions from the New Media

ADJOURNMENT:

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

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