The regular meeting of the Lincolnton City Council was held in Council Chambers of City Hall at 7:00 p.m. on August 13, 2015.

The following members of the City Council were present:

RHYNE CLONINGER EADDY HOVIS

Mayor John Gilleland called the meeting to order and led the Pledge of Allegiance.

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

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

- **Approved meeting minutes for special meeting on March 31, 2015, special meeting on May 7, 2015, regular meeting on May 7, 2015, regular meeting on June 4, 2015 and special meeting on June 25, 2015.**

- **Proclamation - National Health Center Week – August 9th – 15th, 2015**

REGULAR AGENDA:

PUBLIC HEARING
CU-ZMA-1-2015

Application from Triangle Real Estate of Gastonia requesting the conditional use rezoning of 14.74 acres of land from Office-Institutional (O-I) to Conditional Use-Residential Office (CU-RO) district for the purpose of constructing a 200 unit planned residential development. The subject property is located on the west side of Buffalo Shoals Road approximately 600 feet north of the intersection of Buffalo Shoals Road and Highland Drive (Parcel ID's 25336, 25337, 25342)

Mayor Gilleland opened the Public Hearing. City Clerk Donna Flowers administered the oath to all those wishing to speak for or against the request. Planning director Laura Elam reviewed the request from Triangle Real Estate explaining the applicants request for conditional use rezoning in order to construct a 200 unit planned residential multifamily development complex on the property. The proposed density of the development will be approximately 13.43 units per acre. There will be 72 one bedroom units, 88 two bedroom units, and 40 three bedroom units. The proposed building will be three stories in height with the exception of two buildings located towards the rear of the site which will be two stories in height. The maximum building height on the property is 48 feet. Screening will be required along all interior property lines. Mrs. Elam stated that Planning Board and staff recommend approval of the rezoning from O-I to CU-RO, and approval of the conditional use permit provided all requirements for conditional uses and Planned Residential Developments are met and all Staff Review Committee comments are addressed.

Mr. Ratchford, the applicant, spoke in favor of the request explaining the company are long term holders of their complexes and their commitment to small towns. He gave some of the specifics of materials that will be used to keep property maintenance to a minimum. Mr. Ratchford said he would go with the city's water and sewer.

Mr. Charles Keener of 1035 Clear Creek Circle, Lincolnton, spoke against the proposed complex. Mr. Keener voiced his concerns to Council regarding the proposed development stating that the current owners have neglected the property for the two years they have owned it. Mr. Keener is concerned about the amount of people this could potentially bring to the area. He voiced his concern with the dog park and the retention pond that will be a part of the development as well as the impact on the surrounding property owners. In response to a question from Councilman Cloninger, City Attorney T.J. Wilson confirmed that the installation of a stop light will be the decision of the Department of Transportation.

Mr. Ed Ziolkowski of 661 Hoyle Street, Lincolnton also spoke against the request. Mr. Ziolkowski addressed Council first asking if site visits have been made to any of the current properties owned by the developer. He also questioned it property is sold, if the new owner would be held to the same standards regarding the maintenance and upkeep of the property. Mayor Gilleland directed both questions to Planning Director Laura Elam. Mrs. Elam responded she did not foresee any issues with maintenance and/or upkeep with properties as she is familiar with several located in the Gastonia area. She offered to contact the building inspections department and request reports if directed however she again stated she is not aware of any issues with the properties she is familiar with. Regarding is second question Mayor Gilleland assured that properties will have to meet city standards. City Attorney T.J. Wilson also responded stated that same conditions that are in the conditional use permit would apply to any buyer. Some discussion was generated regarding county lease laws and enforcement would apply since property is in the county with Councilman Rhyne requesting verification.

Mr. Jim Helms, a resident on Hoyle Street, requested to speak regarding the location of the entrance to the development. Planning Director Laura Elam confirmed the only entrance proposed on the site plan is the main entrance off of Buffalo Shoals Road. In response to a question from Councilman Eaddy, Mrs. Elam stated a second entrance cannot be added without Council's approval.

Mr. Kevin Martin of 676 Hoyle Street, Lincolnton was sworn in after which he expressed some of the same concerns as the others who spoke. Mr. Martin stated that his main concern, however, is the monetary effect regarding property values and/or increased taxes. The City Attorney and Council advised Mr. Martin that an appraisal would possibly answer his questions. Councilman Rhyne stated for the record that taxes would be a county issue as the property is in the ETJ, not in the City which is the only reason it is being heard by City Council.

Mr. Ratchford, returned to the podium to address some of the concerns expressed by those that spoke against the request giving a little more detail about the amenities and the guidelines that are in place.

At the conclusion of some discussion among Council, Councilman Eaddy made a motion unanimously approved to close the Public Hearing.

Councilman Hovis made a motion unanimously approved to consider the request to rezone with Councilman Cloninger making a motion unanimously approved to consider the request.

CONDITIONAL USE PERMIT FINDINGS OF FACT as follows;

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

2. Councilman Hovis made a motion unanimously approved the use meet all required conditions and specifications.

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

4. Councilman Eaddy made a 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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

5. Councilman Cloninger made a motion unanimously approved the location and character of the development will be in keeping with the stated purpose for allowing Planned Residential Developments.

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

Councilman Rhyne made a motion unanimously approved to approve request to include conditions recommended by staff and planning board.

PUBLIC HEARINGS
(O-03-15)

Public Hearing to receive public input on amending the City's code of Ordinances-Title VII.Traffic Code – Chapter 72 – Parking Regulations – Add- Section 72.05 – Special Event Parking

Mayor Gilleland opened the meeting up to a Public Hearing. Chief of Police Rodney Jordan addressed City Council regarding this item. Chief Jordan explained ordinance is needed in order for officer's to be able to enforce "no parking" in the specified areas. He reminded Council of the safety concerns expressed by Dr. Becky Reavis and said the police department has those same concerns.

Mr. Robert Tomlinson signed to speak to this concerned and questioned by it came up just before the Apple Festival. Chief Jordan clarified this change would only effect the areas listed in the proposed amendment.

Councilman Eaddy made a motion unanimously approved to close the Public Hearing.

Councilman Rhyne made a motion unanimously approved to amend the ordinance as presented.

Public Hearing to receive public input on potentially awarding Smart Growth Incentive Grants to various applicants

Mayor Gilleland opened the meeting up to a Public Hearing, Business & Community Development Director Vicki Davis reviewing the three applications as follows:

1. 101 W. Court Square, LLC,
2. 408 N. Poplar Street
3. 101 N. Court Square.

Mrs. Davis presented a power point presentation which contained detailed information regarding each project. City Manager Jeff Emory stated he felt this is a good program for the City and the developer.

Mr. Robert Tomlinson spoke against the grant as he believes it is a conflict of interest. Mr. Tomlinson voiced several of his concerns as to the administration of the grant as well as his objection to the City being in the banking business.
Councilman Rhyne responded Mr. Tomlinson's concerns, clarifying and explaining why the concerns are not valid and stressing the fact that a $750,000.00 investment in Lincolnton warrants an incentive. Councilman Rhyne stressed that the Downtown Development Association has no ties to the City of Lincolnton as it is a volunteer organization. He also pointed out the $750,000.00 investment being made and that no check is being written. They are simply not paying the revised vaule in property tax on the property. Therefore the City is not losing in money. Lastly he clarified that the pictures mentioned are not related to what he is currently speaking to. More discussion was generated among Mr. Tomlinson, Council and staff.

With no more discussion, Councilman Eaddy made a motion unanimously approved to close the Public Hearing

Councilman Eaddy made a motion unanimously approved to approve awarding the Smart Growth Incentive Grant to various applicants.

RESOLUTION
(R-10-15)

Presentation honoring Larry T. Houser for 29+ years of service with the City of Lincolnton at the Water Treatment Plant

Mayor Gilleland read and presented a resolution of appreciation for Larry T. Houser honoring him on his upcoming retirement on September 1, 2015 for more than twenty-nine years of service. Mayor Gilleland reflected on his friendship with Larry Houser as neighbors growing up in Lincolnton. Larry commented on his time at the Water Plant and what he has seen happen over the years. He concluded by shaking hands and thanking the Mayor and each Council member individually.

PRESENTATION

Presentation and update on the Strategic Planning Process from Centralina Council of Governments

Mr. Jim Processer, with the Centralina Council of Governments, presented Council with a copy of the 2015 Strategic Planning Summary Report. Mr. Processer began by thanking Mayor and Council for providing them the opportunity to work with city staff and Council in the development of a strategic plan for the City of Lincolnton. The report presented included a summary of goal rankings, top goals, feedback connection and suggested next steps with Exhibit A – Detailed results from June 2, 2015 Public Engagement, and Exhibit B – Balanced decision making process. Mr. Processor gave detailed explanation of several items. He also commended city staff on the quality and quantity of their hard work throughout the entire process. He concluded by encouraging Council to developing a long term financial plan that will put the City in a better position to make better financial decisions and reminding Council that implementation of the strategic plan will require constant attention.

Councilman Eaddy stressed how much he appreciated the steps being so clearly outlined as to the next stage in the process asking if there is a list of downtown properties and their square footage. Vicki Davis responded that she is currently working on finalizing an update on both the business inventory and the property inventory. Mayor Gilleland expressed his satisfaction with the results and directed City Manager Jeff Emory to look at the suggested financial plan and report back with a recommendation.

CONTRACTS
C-15-15

Consideration of renewal of contract for lease of property at 530 East Main Street for LPD Detectives Division

Chief of Police Rodney Jordan came before City Council to request renewal of lease at the 530 E. Main Street building for the detectives division. Chief Jordan stated rental price would stay the same at for a two years lease agreement with the City agreeing to pay a one-time $500.00 amount on the maintenance/repair of the HVAC up to $1,000.00 a year. This agreement was negotiated with the property owner, Ms. Ann Ford, due to her real estate agent being out of town.

With no further discussion, Councilman Eaddy made a motion unanimously approved to approve the two year lease for the 530 E. Main Street location.

CONTRACTS
C-16-15

Consideration of awarding contract to Carter Bank & Trust for installment financing for five fully equipped police vehicles not to exceed $175,000.00 (RFP's were received July 6th and the lowest responsive bidder met all proposal requirements, offering the lower overall cost to the City)

Mr. Steve Zickefoose, Finance Director, addressed Council regarding this item, recommending Carter Bank & Trust be awarded the contract. Mr. Zickefoose stated four bids were received with Carter Bank & Trust being the low bidder and offering a 1.5% interest rate for four years. It is a simple interest loan with no fees or hidden cost and no prepayment penalty if loan is paid off early. He stated the City has had good success in working with Carter Bank & Trust over the years and he feels very confident in recommending awarding them the bid.

Councilman Eaddy made a motion unanimously approved Carter Bank & Trust for the installment financing of the police vehicles.

CONTRACTS
C-17-15

Consideration of awarding contract and negotiating price to Wirth & Associates for the design of First Federal Park (RFQ's were received July 28th

Parks and Recreation Director, Richard Haynes, came before City Council to request contract for the design of First Federal Park be awarded to Wirth & Associates. Mr. Haynes stated that five proposals were received. He informed council on the process and how decision was made stating that he, as well as Laura Elam and Nathan Eurey called references, visited sights and interviewed each company. The committee also looked at each companies work experience, frame work for the project, and current work load. In conclusion Mr. Haynes and the committed felt that Wirth & Associates are best suited for the job. Some discussion was generated regarding the next steps and the once contract is awarded.

Councilman Cloninger made a motion unanimously approved to award the contract for negotiating price to Wirth & Associates to design First Federal Park.

CONTRACTS
C-18-15

Consideration of a proposed split utility service agreement between the City and Lincoln County (Route 90 customers included)

City Manager Jeff Emory brought before Mayor and Council a proposed contract between the City and the County. Mr. Emory began by commending the County and their staff for their work and cooperation as well as thanking City staff for all of the assistance he received from Mr. Steve Peeler and Mr. Steve Zickefoose. Mr. Emory continued stating he felt it is a fair and good agreement for both the City and County. The agreement will allow the City to begin billing the Route 90 customers as they will be City customers. The City will remit to the County all fees due to them minus a ten percent administration fee each month. The County will continue to own the infrastructure. In conclusion Mr. Emory recommended agreement be approved by Council to become effective September 1st. Mr. Emory also reminded Council that all though it is not in this contract possibility of fire coverage is something the County may still want to discuss. He also asked for direction regarding collection from current past due customers. Mr. Emory reported there are currently 62 active paying customers and 54 active non-paying for a total 116. Going back three years would allow the City to collect $96,400.00.

Staff has discussed and recommends that if Council wishes to collect back payments, a set fee be established to be billed monthly until paid in full. There was some discussion among Council and staff. City Manager Jeff Emory suggested that item be put on next month's agenda, giving Council more time to make a decision. Councilman Eaddy expressed his gratitude to city staff and Lincoln County for coming together to resolve this issue. Mayor Gilleland also suggested putting this item back on next months agenda giving Council time to think about possible solutions.

With no more discussion, Councilman Eaddy made a motion unanimously approved to approve the split utility service with Lincoln County.

OTHER BUSINESS

Consideration of a request from Lincoln Economic Development Association for the City to take ownership and maintenance of .16 miles or roadway formerly known as the Leslie Fay Access Road

City Manager Jeff Emory spoke to Council regarding a request received from Lincoln Economic Development Association asking the City of Lincolnton to agree to take ownership of an acess road once a developer is secured. The road was dropped by NCDOT however the City has never taken ownership. Mr. Emory stated the road is in need of repair and would need to be brought up to standard. Mayor Gilleland confirmed that LEDA is requesting a commitment from the City to maintain the area if a customer is secured by the developer/land owner. Unlike the previous commitment, approval will be very generic, not for a specific company.

Councilman Cloninger made a motion unanimously approved to follow through with the request from Lincoln Economic Development Association for the City to assume ownership and maintenance of the former Leslie Fay access road.

Annual financial update from the Lincolnton Tourism Development Authority

Mrs. Carol King, Chairperson of the Lincolnton Tourism Development Authority, came before Council to give the first quarterly expenditure report from the Occupancy Tax Fund. Mrs. King gave a summary of the Authority's actions starting with the approval of various funding request from local organizations. A report prepared by Finance Director Steve Zickefoose was provided to Council. Mrs. King reported that $220,000.00 has been earmarked by the Authority for the proposed park as 1/3 of funds collected must be used for capital projects. Other funding request were cut by 27% in order not to exceed a year's revenue intake. Amounts awarded are as follows:

Hog Happening -	$ 9,000.00
Battle of Ramseur's Mill -	$ 1,800.00
Arts Council -	$ 3,849.00
Chamber of Commerce -	$11,250.00
Historical Association -	$11,250.00
UDC Building -	$ 888.00
Lincoln Cultural Center -	$22,368.00

Mrs. King continued her report explaining that funds must be spent promoting tourism and expressing the Authority's desire to do this accurately and responsibly. She also informed council of several small projects that have been undertaken and thanked those that assisted and contributed.

Councilman Eaddy thanked Mrs. King and the other committee members for their participation and efforts to lead the City forward. He also suggested possibly meeting with LEDA and the Chamber to explore ways to use capital funds in the future. Mayor Gilleland also expressed his appreciation for the committee efforts and thanked Mrs. King for her leadership

Monthly Financial Report / Overtime Report

City Manager Jeff Emory presented the monthly financial report as of June 30th before any final closings. The report showed the General Fund with a negative balance of $362,062.05 which is an improvement from this time last year when it was $697,649.55. Financial standing is showing $335,587.50 to the positive of last year. The Water & Sewer Fund shows $130,379.07 to the positive. The Electric Fund is showing a negative $187,132.44 compared to last year and $22,639.27 less was spent in overtime compared to last year. Mr. Emory continued stating that final number will be available once audit is complete. He also reported sales tax being up $220,392 through June compared to 2013-2014. He predicts expenditure from Fund Balance to be minimal. A small amount of discussion was generated regarding the Electric billing revenue with Finance Director Steve Zickefoose offering some clarification.

PUBLIC COMMENT:

Ms. Donna Snyder of 141 Spring Meadows Drive spoke to Council regarding multiple problems within the Lincoln Meadows subdivision. Ms. Snyder stated she and several of her neighbors have made city staff aware of the problems however they feel that very little has is being done to correct them. Residents are experiencing power outages and power surges, as well as problems with water pressure and have requested meetings with staff to discuss issues but have received no response. Ms. Snyder reported these problems have been ongoing since 2009 and she along with the other residents request Councils help in getting these issues resolved.

Mayor Gilleland directed City Manager Jeff Emory to take control of this issue. He suggested that a line of communication be opened up between staff and residents letting them know what can and cannot be done and that a reasonable timeline be put in place for getting the problems corrected. And if the City cannot correct the problem, that staff communicate this information to the residents of the subdivision. Mr. Emory stated that a report will be prepared and brought back to Council.

Mr. Robert Tomlinson stated his concern that every area within the City is not getting the same level of service. Mr. Tomlinson spoke regarding a pothole in the right lane of Congress Street coming from South Grove as well as several other pot holes on City streets that have not been repaired. Public Works as well as staff at City Hall have been contacted several times regarding this issue. Mr. Tomlinson questioned if it would not be more cost effective to repair all of the pot hole on one street at the same time. He also asked if pothole will be repaired before the primary election or be postponed until after the November election for the next administration.

CLOSED SESSION

To discuss personnel in accordance with NCGS 143-318.11(a)(1)&(6)

Councilman Eaddy made a motion unanimously approved to go into Closed Session in accordance with NCGS 143-318.11(a)(1)&(6) to discuss personnel.
Minutes from the closed session were taken and submitted by City Attorney T.J. Wilson. Mr. Wilson reported ongoing EEOC claim between Donna Flowers vs City of Lincolnton was discussed. No action taken.

NEWS MEDIA:

No questions from the new media

ADJOURNMENT:

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

DONNA C. FLOWERS, CMC	**JOHN O. GILLELAND, Jr.**
CITY CLERK	**MAYOR**