REGULAR MEETING - JANUARY 7, 2016

The Mayor and City Council met in regular session on Thursday, January 7, 2016 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton North Carolina.

Council members in attendance were:

RHYNE CLONINGER EADDY JETTON

Mayor Ed Hatley called the meeting to order and led the Pledge of Allegiance.

Councilman Rhyne made the motion unanimously approved to add a Closed Session in accordance with NCGS 143-318.11(a)(1)(6) to discuss personnel after the public comment section of the agenda.

Councilman Rhyne made the motion unanimously approved the REGULAR AGENDA with the above said addition.

Councilman Eaddy made the motion unanimously approved the CONSENT AGENDA as follows:

- Approved Minutes from both the Swearing in Ceremony and the Regular Meeting held December 3, 2015

- Approved the following calls to Public Hearing for the February 4th Agenda:

  ZTA-1-2016- Application from the Lincolnton Planning Department requesting an amendment to the Unified Development Ordinance. The proposed amendment would amend Sections 153.170 - 153.172 in regards to signs permitted in the Central Business (CB) and Central Business Transitional (CBT) Districts.

  CUP-1-2016- Application from Thomas H. Johnson, Jr., representing Skyway towers, requesting a conditional use permit to construct a 195 foot tall telecommunications tower in the GB District. The subject property is located on the south side of Jackson Drive approximately 500 feet west of the intersection Jackson Drive and Lithia Inn Road. (133 Jackson Drive, Parcel ID 52159).

APPLICATION FROM SHASTA STEELE REQUESTING THE REZONING OF 0.45 ACRES OF LAND FROM RESIDENTIAL-OFFICE (R-O) DISTRICT TO CENTRAL BUSINESS (CB) DISTRICT. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF SOUTH CEDAR STREET AND EAST WATER STREET (202 SOUTH CEDAR STREET, PARCEL ID 58825):

(ZTA-02-2015)

Laura Elam, Planning Director, reviewed the request from Shasta Steele to rezone 0.45 acres of property located at the southwest corner of South Cedar and East Water Street from Residential-Office (R-O) to Central Business (CB) district.

Laura said the primary purpose of the rezoning would be to allow for more permitted uses such as retail. The property has an office building located on it with adequate parking for additional permitted uses. The surrounding zoning is a mixture of R-O, CB, and CBT districts. Land uses surrounding the site are US Post Office, Fifth Third Bank and vacant warehousing.

Laura concluded noting the rezoning would be in compliance with the Lincolnton Land Use Plan if approved. She recommended on behalf of the staff and Planning Board that the property be rezoned to the CB District as requested.

The applicant, Shasta Steele, was presented and spoke in favor of the request offering to answer any questions that Council may have. She said this location would assist with the community and other agencies when working on domestic violence in and around Lincolnton providing a centrally located office.

Councilman Jetton questioned if the porch area of this property would be storage for furniture or any other type of materials as he has had concerns expressed to him about the upkeep. Shasta said there should not be anything that would be permanently stored on the porch area when the domestic violence shelter is fully opened. Councilman Eaddy made the motion unanimously approved to close the public hearing.

Councilman Rhyne made the motion unanimously approved to rezone the property as requested and recommended by the Planning Board.

RESOLUTION HONORING WASTEWATER TREATMENT PLANT OPERATOR TERRY HILL FOR THIRTY-NINE (+) YEARS OF SERVICE TO THE CITY OF LINCOLNTON:

(R-01-16)

Mayor Hatley called Terry Hill forward and read aloud the following resolution honoring his years of service with the City:

WHEREAS, **Terry W. Hill,** began employment with the City of Lincolnton on June 23, 1976. During his employment he has faithfully served the City as a Waste Water Treatment Plant Operator at the Lincolnton Waste Water Treatment Plant for his entire career; and

WHEREAS, Terry W. Hill, through his dedication and training with the NC Department of Environment and Natural Resources received Grades I, II and III-Operator certifications by 1986; and

WHEREAS, Terry W. Hill, has throughout his tenure dealt with many challenges, working through Hurricane Hugo he kept the plant up and running on limited resources. He worked through two major plant renovations, learning new operating procedures to ensure the plant remained operable meeting state mandated guidelines; and

WHEREAS, Terry W. Hill, 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 **Terry W. Hill**, honoring him on his upcoming retirement on February 1, 2016 and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of January, 2016.

RESOLUTION OF SUPPORT TO SUBMIT GRANT APPLICATIONS FOR THE FOLLOWING; (A) TIMKEN FOR $ 100,000 (B) CAROLINA PANTHERS FOR $ 1,000 – NFL FLAG FOOTBALL GRANT:

(NOTE: No matching funds are required for ether of these grants)

(R-02-16)

Ritchie Haynes, Recreation Director, requested Council adopt a resolution of support endorsing each grant application as noted above. He reviewed the grant requirements for both the Timken Grant and the Carolina Panthers Flag Football grant.

Ritchie said the Timken grant, if received, would assist with cost for the proposed First Federal Park which would be located at 201 N Poplar Street. He has talked with a Timken Plant Manager regarding the grant process and feels confident that this project would make Lincolnton a candidate for grant funding. The City Clerk would draft the resolution of support once a summary of the criteria is provided.

The Carolina Panthers Flag football grant would assist in providing equipment to the Parks & Recreations Department's ever growing flag football program if received. Ten grants will be awarded for a value of $ 1,000 each. Grant applications must be post marked by January 18th 2016.

Councilman Eaddy made the motion unanimously approved to allow Ritchie to submit applications for both of the above mentioned grants.

CONSIDERATION OF APPLICANTS TO FILL ONE (1) VACANCY TO THE ABC BOARD - *FOUR APPLICATIONS WERE RECEIVED, THEY ARE AS FOLLOWS:* Emily Allran Robinson, Suzanne Peeler, Larry Mac Hovis and LD "Bud" Warlick

(APPT-01-16)

Mayor Hatley reviewed the above said applicants for the vacancy on the ABC Board.

Councilman Rhyne motioned to appoint Emily Allran Robinson. Councilman Cloninger motioned to Larry Mac Hovis. Hearing no other nominations, Councilman Rhyne made the motion unanimously approved to close nominations.

Councilmen Cloninger and Eaddy voted in favor of appointing Larry Mac Hovis.
Councilmen Rhyne and Jetton voted in favor of appointing Emily Allran Robinson. With both nominations being two to two, Mayor Hatley cast the tie breaking vote, appointing Emily Robinson to begin serving the unexpired term of his position on the Lincolnton ABC Board.

CONSIDERATION OF APPLICANTS TO FILL ONE (1) VACANCY TO THE LINCOLNTON PLANNING BOARD – *THREE APPLICATIONS WERE RECEIVED, THEY ARE AS FOLLOWS:* Jamal Farley, Bo King and Tommy Huskey

(APPT-02-2016)

Mayor Hatley reviewed the above said applicants for the vacancy on the Lincolnton Planning Board.

Councilman Eaddy motioned to appoint Tommy Huskey. Councilman Rhyne motioned to appoint Jamel Farley. Hearing no other nominations, Councilman Cloninger made the motion unanimously approved to close nominations.

Councilmen Cloninger and Eaddy voted in favor of appointing Tommy Huskey. Councilmen Rhyne and Jetton voted in favor of appointing Jamel Farley. With both nominations being a two to two vote, Mayor Hatley cast the tie breaking vote, appointing Jamel Farley to begin serving on the Lincolnton Planning Board.

CONSIDERATION OF APPLICANT FOR ONE (1) VACANCY TO THE RECREATION COMMISSION - *ONE APPLICATION WAS RECEIVED AS FOLLOWS:* Mark Lackey

(APPT-03-2016)

Mayor Hatley told Council the City received one application for the vacancy on the Recreation Commission from Mr. Mark Lackey.

Councilman Rhyne made the motion unanimously approved to appoint Mr. Lackey to begin serving on the Lincolnton Recreation Commission.

CONSIDERATION OF AMENDMENT TO THE INDUSTRIAL DEVELOPMENT INCENTIVE GRANT PROGRAM *(ORIGINALLY ADOPTED BY CITY COUNCIL IN 1999 – AMENDED IN 2005 AND AGAIN 2008)*

(P-01-16)

City Manager Jeff Emory told Council that Cliff Brumfield, of LEDA, recently appeared before Council requesting some changes to the current Industrial Development Incentive Program that both Lincoln County and the City have in place.

Currently the policy is based on additional tax growth to any existing or new industry located within the City. Cliff is proposing two significant changes. The first being a fourth tier for grant eligibility. A level one grant is for an investment of $ 1,000,000.00 to $ 5,000,000.00. The grant is a five year pay back at 65% of the value in additional taxes. This grant is for five years. A level two grant is based on an investment of $ 5,000,000.00 to $ 20,000,000.00. This grant provides a 75% reduction in taxes. A level three grant is for $ 20,000,000.00 to $ 25,000,000.00 or more and this will be a 95% reduction in taxes.

The other significant change would be for investments of $ 10,000,000.00 or more the recipient will receive a payback for seven years rather than five for investments up to $ 10,000,000.00. Currently our policy provides for all grants to be five years.

Jeff said that Cliff feels that extending the life of the $ 10,000,000.00 or more grants from five years to seven years will be a helpful incentives in recruiting industry. He feels adding a fourth level of $ 25,000,000.00 at 95% would be an attractive incentive also.

Jeff concluded recommending approval of the proposed changes as drafted acknowledging that both Mr. Brumfield and the LEDA Board of Directors feel these incentives will only help in the competitive industry recruitment market. Jeff said, "This change would not cost the City one penny and what it does is reimburse for an investment based on a percentage of taxes paid for a period of anywhere from five to seven years.

Councilman Eaddy made the motion unanimously approved that the City adopt the proposed changes as recommended.

CONSIDERATION OF APPROVAL OF A DESIGN AND COST ESTIMATE FOR FIRST FEDERAL PARK ***(NOTE: THE CONTRACT WAS APPROVED BY COUNCIL ON (9-03-15 NOT TO EXCEED $ 295,000):***

Gary Wirth, of Wirth & Associates, reviewed a power point of the Master Plan for First Federal Park. Mr. Wirth gave a very thorough overview discussing the site location, the proposed master plan, restrooms/shelter plans, splash pad, and playground. He provided a hard cost estimate of $ 305,476.50. This amount does include a five percent contingency. The cost did not reflect soft costs such as surveying, previous demolition and abatement, design fees, caboose relocation and water and utility taps/services to the site. The price of the proposed splash pad of $ 65,000 is for a flow through system, and there would be an additional cost of $ 65,000 for a re-circulating system as that is not included in this proposed design.

Mr. Wirth said once Council approves the Master Plan, preparation of Phase 1 construction documents would be drafted, work would start on any necessary permitting required and then, the project would go to bid. He offered to entertain any questions that Council may have concerning his presentation.

Councilman Rhyne asked if approval was given tonight what would be the timeline for construction. Mr. Wirth said four to six months. Councilman Jetton asked how high the fence proposed would be, Mr. Wirth said it is proposed to be four feet in height. Only access to the park would be from the front (N Polar Street), not from Pine or Sycamore Street when walking.

Councilman Rhyne questioned the planting down east Pine Street. Mr. Wirth said an ornamental is proposed. Councilman Rhyne said he wanted to ensure that we would have adequate fencing or a screen wall especially on the Pine Street side.

Mayor Hatley asked Mr. Wirth for his professional opinion regarding the caboose being a part of the proposed park. He asked for costs should the caboose stay or if it is removed. The City Manager spoke up and said the City's estimate for refurbishing the caboose is $ 23,000 and this would be leaving it on the current site. The City Manager said according to his figures for everything the City would be looking at $ 410,000 for the total project. This does not include any grant money the City could receive that would offset this cost.

Mr. Wirth said he feels if the caboose is kept to be a part of the park, it would have to be moved and repainted. You would have the removal cost two ways, to move it out to paint it, and then to bring it back. Councilman Rhyne said there are cost to move it whether we paint it or not as the site would need to be graded.

Mayor Hatley said he has found the caboose has no historical significance. Councilman Jetton said he confirmed the City has no money in the caboose as it was acquired as part of the property purchase. Mayor Hatley said, "Is it worth that much money to have a backdrop of something to look at?"

Councilman Cloninger addressed the question asked by many, of why Council originally decided not to sell the caboose. He said "Because a lot of people in Lincolnton wanted to save the caboose, representing the rail trail and the depot and it all fit together." "If I had had all the information then, that I am hearing now, I don't know if I would have been as adamant about not selling it." Councilman Cloninger questioned the playground equipment being safer than a kid crawling up and going through a caboose. To fall off the steps, 4 or 5 feet in height, to fall off the playground equipment proposed would be about eight feet.

Councilman Jetton made a motion proposing that the City give the caboose to the original successful bidder, Brad Wike, to be moved at his cost by February 1st. This motion generated much discussion and raised a question as to whether the City could legally convey this property to Mr. Wike.

The City Manager questioned if the City would be obligated to try and sell the caboose again, rather than giving it away. The City Attorney felt we could offer it to Mr. Wike for the cost of moving it but wanted to get legal clarification. Councilman Rhyne said there is savings to the City by Mr. Wike absorbing the cost of the removal. After further discussion, Councilman Rhyne made the motion to table any action on the caboose for one month until the City Attorney could check with the School of Government regarding the caboose and confirm the proper way to dispose of the caboose.

Councilman Rhyne made the motion to exclude the caboose from the First Federal Park project. This vote passed, three to one. Councilmen Cloninger, Rhyne and Jetton voted in favor and Councilman Eaddy vote no.

Councilman Rhyne then motioned unanimously approved to proceed with the design phase and begin construction of First Federal Park.

DISCUSSION REGARDING PROPOSED SCIENCE CENTER FOR STUDENTS AND FAMILIES OF ALL AGES THAT COULD POTENTIALLY BE LOCATED IN LINCOLNTON:

Mr. Edward McFadden, STEM Career Path Project Inc., appeared before Council to discuss a proposed Science Center for students and families of all ages that could be located in Lincolnton or Lincoln County. He provided a thorough review of his proposed plans which included his background history and education. He said the Science, Technology, Engineering Mathematics (STEMS) career path project is in several other communities in North Carolina. Over 3,200 students were served in centers throughout NC in 2015. He plans to partner with organizations such as the YMCA, Boys & Girls Club of Greater Charlotte, Ada Jenkins Center, Hands on Charlotte, Economic Empower Initiative (EEI), Catawba Science Center as well as working with several public schools to make this dream a reality.

Mr. McFadden discussed the importance of education to all children and noted the need for a 21st Century Science Center in our area. He chose Lincolnton because it is in a rural area, with a low poverty rate with no current family destinations within the corporate limits. He reviewed a layout of the proposed center which included conference rooms that could provide educational workshops for organizations in the community as well as after school programs. His target audience for this endeavor would be kids ages 8 to 13. Admission prices would not exceed $ 10 per person depending upon the facility location with flexible hours of operation convenient for the community. He estimated the total project cost to be between 2 and 5 million dollars depending upon location.

He concluded asking Council to endorse the proposed project as he works to get support through the schools, families and the community to make this project a success.

Mayor and Council thanked Mr. McFadden for his presentation and confirmed their support for the project. Mayor Hatley suggested that he contact the Lincoln County School Superintendent and the Lincoln Economic Development Director for their support as well.

Councilman Cloninger made a motion unanimously approved a resolution of support for the project which would assist with efforts towards potential grant funds for the project.

MONTHLY FINANCIAL/ OVERTIME REPORT:

Jeff Emory, City Manager, reviewed the following financial report:

PUBLIC COMMENT:

Mr. Cain Leonard asked Council for their consideration of the Smart Growth Incentive Grant for his property located at 1412 East Main Street. He said he has talked with Business and Community Development Director Vicki Davis and expressed his concerns that he was not aware of the availability of this grant prior to beginning his rehabilitation to the structure. He gave a Council a completed application noting he did not have the application in prior to beginning construction but again reiterated that he did not think the City made this opportunity known to those that are not in the first three blocks of East Main Street.

City Manager Emory told Council that this is not something that would normally go to City Council as Business & Community Development is responsible for reviewing/approving these grant applications. Mr. Leonard said he was aware of that but because he was denied being applicable he wanted to ask Council to reconsider reviewing the application since he was not aware of the process at time he began his structural rehabilitation at his 1412 East Main Street property. He asked to be an agenda item on the February City Council agenda.

CLOSED SESSION:

Councilman Rhyne made the motion unanimously approved to enter into Closed Session to discuss personnel in accordance with NCGS 143-318.11(a)(6).

Mayor and City Council, City Attorney and the City Manager met in the conference room behind Council Chambers for the Closed Session portion of the meeting. The City Attorney was assigned to take the minutes of the meeting.

In conclusion of the closed session Councilman Rhyne made the motion to return to Regular Session.

The City Attorney read aloud the following; Councilman Rhyne made the motion, seconded by Councilman Jetton, to terminate City Manager Jeff Emory effective immediately.

Councilmen Rhyne and Jetton voted in favor and Councilmen Cloninger and Eaddy voted no. Mayor Hatley voted in favor of the motion. The motion passed by a three to two vote.

Councilman Cloninger made the motion unanimously approved to provide six month's severance pay in accordance with the City Managers contract.

Councilman Rhyne made the motion unanimously approved to appoint Ritchie Hayne as Interim City Manager. Ritchie Haynes declined the appointment.

Councilman Rhyne made the motion unanimously approved to appoint Steve Zickefoose as Interim City Manager. Mr. Zickefoose accepted the appointment.

Councilman Rhyne made the motion unanimously approved to discuss and determine compensation for the Interim City Manager Steve Zickefoose at a later date.

Councilman Rhyne made the motion unanimously approved to return to Regular Session.

NEWS MEDIA:

News Media spoke directly to Mayor Hatley and several Council members regarding the termination of the City Manager.

ADJOURNMENT:

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

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DONNA C. FLOWERS, MMC **ED HATLEY**

CITY CLERK **MAYOR**