

REGULAR MEETING - FEBRUARY 4, 2016

The Mayor and City Council met in regular session on Thursday, February 4, 2016 at 7:00 pm in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton NC.

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

RHYNE CLONINGER EADDY JETTON

Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA.

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

- Approved of minutes from January 7th regular meeting and January 14th special called meeting
- Approved a Call to Public Hearing for the March 3rd meeting:
CUP-2-2016-Application from TowerCom requesting a conditional use permit to construct a 244 foot telecommunications tower in the Residential-25 (R-25) District. The subject property is located on the east side of Hilltop Road approximately 0.25 miles north of the intersection of Hilltop Road and South Grove Street Extension. (457 Hilltop Road, Parcel ID 17929)
- Approved (P-02-2016) – Amendment to policy item 10 of the City's Administrative Policy Manual reflecting a language change regarding the State Health Insurance Plan
- Approved (P-03-2016) – Amendment to policy item 11 of the City's Administrative Policy Manual defining the longevity steps in conjunction with recent action taken by Council at their December 2015 meeting
- Appointed (Appt-04-16) Interim City Manager/Finance Director Steve Zickefoose to serve as Second Alternate Commissioner to Electricities to represent the City
- Approved changing the Planning Retreat date from March 4th to Friday, March 18th, 2016 – 7 am to 7 pm

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REGULAR AGENDA:

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 OF JACKSON DRIVE AND LITHIA INN ROAD (133 JACKSON DRIVE, PARCEL ID 52159):
(CUP-1-2016)

Mayor Hatley opened the public hearing. Laura Elam, Planning Director, reviewed the background, site description, site plan, the applicants compliance with the conditional use permit requirements along with the findings of fact.

Staff review committee comments were as follows; (1) Skyway Towers shall maintain general liability insurance coverage of at least \$ 1,000,000. (2) Provisions should be made for the removal of the tower at the expense of the owners within one year of its discontinued use. (3) Erosion control permits must be obtained from Lincoln County. (4) Building permits must be obtained from Lincoln County Inspections. (5) Jackson Drive serves as a utility right of way, and this shall be noted on the plans.

Laura concluded recommending on behalf of Planning Board and staff that the proposed conditional use permit be approved subject to compliance with staff review committee comments; conversion of the tower from a lattice type tower to a monopole type tower with no guy wires and installation of evergreen plantings at a height suitable to block the view of the fence and the equipment shelter.

Both Mr. Thomas Johnson the applicant and Graham Herring, of Nexsen Pruitt, spoke in favor of the request. They provided details to Council about the proposed tower, noting three additional carriers could locate on this tower once completed. He reviewed the aerial view, depicted Mr. Sutton's property and explained how the staff review committee and the planning boards concerns have been addressed since the request was heard at the planning board meeting.

Mr. Graham spoke to surrounding property values, noting erection of this tower would not affect the values of properties in the surrounding area. They both offered to answer any questions from Council regarding the request. No one else spoke in favor or in opposition of the request.

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

Councilman Eaddy made the motion unanimously approved to consider the conditional use permit.

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FINDINGS OF FACT:

- (1) Councilman Eaddy made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Cloninger made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Rhyne made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.
- (4) Councilman Jetton made the motion unanimously approved that the location and character of the use, if developed according to 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 the motion unanimously approved that the tower will not result in the interference with the safe operation of aircraft in relation to existing or planned airport facilities.

Councilman Rhyne made the motion unanimously approved to grant the conditional use permit as recommended by the Planning Board.

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:

(ZTA-1-2016)

Mayor Hatley opened the public hearing. Laura Elam, Planning Director, reviewed the request to amend the Unified Development Ordinance. She said the purpose of this change to the regulations for signs in the downtown area is to allow added flexibility to the available signage options for downtown property owners and businesses.

Laura said the existing regulations for the Central Business District (CB) and Central Business Transitional (CBT) districts allow wall signs, projecting signs and canopy and awning signs. Staff is recommending three changes to the UDO in order to allow added flexibility to the available signage options for downtown property owners and businesses. The proposed amendment includes the following three changes:

Wall Signage:

The current restriction on the size of signs on building walls facing a parking area or alley (eight square feet) would be replaced with the same size limit for signs located along a public street (10% of the building wall area, not to exceed 100

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square feet). The additional signage area on the sides and/or rear walls of buildings could serve to heighten visibility and awareness of downtown businesses to drivers and pedestrians.

Projecting Signs:

The current provision which limits projecting signs in the CB district to no more than three square feet in area with an eight and one-half foot clearance from the sidewalk would be amended to allow a projecting sign of up to eight square feet in area with a clearance from the sidewalk of eight feet. This revision would allow projecting signage similar to the signs for Southern Charm Winery and The Salty Petal without the requirement for a variance from the Board of Adjustment.

Canopy and Awning Signs:

The standards for signs in the CB and CBT district that are hung under a canopy or awning perpendicular to the building would be revised to align with the proposed revised standards for projecting signs in the CB district. This change would increase the allowable sign area from three square feet to eight square feet and decrease the required vertical clearance from the sidewalk from eight and one half feet to eight feet. This would allow projecting signs under a canopy or awning similar to projecting signs attached to a building wall.

Laura concluded recommending on behalf of Planning Board and staff that the UDO be amended to incorporate the above stated additional signage options for downtown property owners and businesses.

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

Councilman Cloninger made the motion unanimously approved to amend the UDO as recommended. He said, "This seems to be an effort to be more friendly to downtown developers and businesses and I commend the Planning Department for presenting these changes."

Councilman Eaddy echoed Councilman Cloninger's comments and said, "There is no quality control on signs, just on the size of the signs."

RESOLUTION HONORING WILLIAM "ALLEN" LYNCH FOR 27 YEARS OF SERVICE WITH THE CITY OF LINCOLNTON:

(R-03-16)

Mayor Hatley called on Allen Lynch to come forward for the presentation of a framed resolution honoring his upcoming retirement. It read as follows:

WHEREAS, William "Allen" Lynch, began employment with the City of Lincolnton on July 22, 1987. During his employment, Allen has faithfully served the City working in both the Wastewater Treatment Plant Operations and Distribution and Collections Department; and

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WHEREAS, William “Allen” Lynch, through his dedication and training received the highest levels of certification, through the NC Department of Environment and Natural Resources, in both Water Distribution and Water Pollution; and

WHEREAS, William “Allen” Lynch, has throughout his tenure assisted the City in the performance of his duties, working through Hurricane Hugo in 1989 serving as a Utilities Maintenance Mechanic, working throughout the devastation for the restoration of services 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 **William “Allen” Lynch**, honoring him on his upcoming retirement on March 1, 2016 and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

BE IT FURTHER RESOLVED, that this resolution be presented to him and spread upon the official minutes of the City of Lincolnton.

Adopted and presented this the 4th day of February, 2016. Councilman Cloninger made the motion unanimously approved to adopt the resolution as written.

RESOLUTION OF CONSIDERATION TO CONDUCT A PRIVATE SALE OF CITY PROPERTY:

(R-04-16)

Mayor Hatley read aloud the following resolution:

WHEREAS, the City of Lincolnton owns certain items of personal property that have become surplus for its current needs; and

WHEREAS, North Carolina General Statute 160A-266 permits the City to sell such property by private sale, upon authorization by the Lincolnton City Council at a regular meeting and notice to the public; and

WHEREAS, the Mayor and City Council is convened in a regular meeting;

THEREFORE, THE MAYOR and CITY COUNCIL of the CITY OF LINCOLNTON RESOLVES THAT:

1. The City Council authorizes the City to sell by private sale the following items of surplus personal property:
1920's Norfolk Southern Caboose weighing
2. The City Clerk shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

Adopted this the 4th day of February 2016.

Councilman Rhyne made the motion unanimously approved to adopt the resolution as presented.

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PRESENTATION OF INTERMEDIATE LAW ENFORCEMENT CERTIFICATION AWARD TO DETECTIVE TONY POTTS OF THE LINCOLNTON POLICE DEPT:

Rodney Jordan, Chief of Police, recognized an eight year veteran of the Lincolnton Police Department, Tony Potts, for recently being promoted to detective and for receiving his Intermediate Law Enforcement Certification. The Chief said a lot of hard work and classroom hours of training are required, above and beyond what is required of the law enforcement officer, to achieve this certification. He commended Detective Potts as did Mayor and City Council on this accomplishment.

CONSIDERATION OF A BUDGET AMENDMENT INCREASING THE GENERAL FUND - STATE GRANTS LINE ITEM IN THE AMOUNT OF \$ 96,107.00 FOR DOWNTOWN REVITALIZATION NOTE: THE CITY RECEIVED THIS FUNDING AS A RESULT OF SESSION LAW 2015-241 (BA-01-16)

Steve Zickefoose, Interim City Manager, requested Council consider approval of a budget amendment to include recent grant monies received, in the amount of \$ 96,107.00, for downtown revitalization efforts. The City was awarded this grant through the Office of the NC Governor, through the state budget (Session Law 2015-241). Vicki Davis, Business & Community Development Director is currently working with the state to identify possible uses for these funds.

Councilman Eaddy made the motion unanimously approved the budget amendment, amending the 2015-16 fiscal year budget, adding a State Grants line item increasing the general fund by the above said amount.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DDA FOR THE LINCOLNTON WINE FEST TO BE HELD SATURDAY, APRIL 23, 2016 FROM 11 AM TO 5 PM:
(C-01-16)

Donna Beringer, DDA Chair and Abby Cole, Events and Marketing Coordinator requested that Council consider approving the 2016 contract for the Wine Fest to be held on Saturday, April 23rd, in downtown Lincolnton. A description of the event along with a map depicting the event areas were presented.

This item generated some discussion. Councilman questioned if the City should be named, additionally insured. The City Attorney said definitely. Councilman Eaddy asked if there was a way to encourage downtown businesses to stay open during these type events. Abby said they will use the Ever Bridge system to contact businesses encouraging them to stay open and support downtown events.

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Councilman Eaddy made the motion unanimously approved to enter into the contract granting permission for alcohol sales for this event.

**CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DDA
FOR THE 2016 ALIVE AFTER FIVE CONCERT SERIES & CRUISE-IN:**

(C-02-16)

Donna Beringer, DDA Chair and Abby Cole, Events and Marketing Coordinator requested that Council consider approving the 2016 contract for Alive After Five Concert Series, to be held in downtown Lincoln. A description of the event along with a map depicting the event areas were presented. The schedule for this years events were listed as follows:

Thursday, May 26th, 2016 from 6 to 10 pm

Thursday, June 30th, 2016 from 6 to 10 pm

Thursday, July 28th, 2016 from 6 to 10 pm

Thursday, August 25th, 2016 from 6 to 10 pm

Thursday, September 29th, 2016 from 6 to 10 pm

Councilman Cloninger made the motion unanimously approved to enter into the contract granting permission for alcohol sales for this event.

**CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DDA
FOR THE 2016 HOG HAPPENIN TO BE HELD FRIDAY, JUNE 3 FROM
6 PM TO 10 PM AND SATURDAY JUNE 4, 2016 FROM 10 AM TO 6 PM
(ALCOHOL PERMIT TIME 10 TO 4 PM ON SATURDAY)**

(C-04-16)

Donna Beringer, DDA Chair and Abby Cole, Events and Marketing Coordinator requested that Council consider approving the 2016 contract for the Hog Happenin Event to be held on Friday, June 3rd from 6 pm to 10 pm and Saturday, June 4th, 2016 from 10 am to 6 pm (with alcohol permit time from 10 am to 4 pm), in downtown Lincoln. A description of the event along with a map depicting the event areas were presented.

Councilman Jetton questioned if this permit was only for the sale of beer and wine. Abby confirmed that it was as liquor sales are through a separate permit and are not included for any of these events.

Councilman Eaddy made the motion unanimously approved to enter into the contract granting permission for alcohol sales for this event.

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MONTHLY FINANCIAL/ OVERTIME REPORT:

Steve Zickefoose, Interim City Manager, told Council that these numbers reflect the half way point for this budget year and to date the numbers are looking pretty good. He provided Council with the following numerical financial/overtime update:

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REVIEW OF JOB SPECIFICATION, PROFILE BROCHURE AND ADVERTISEMENT FOR RECRUITMENT OF A CITY MANAGER:

Mayor Hatley and Tanya Osborne, Human Resources Director, presented Council a brochure to assist in the recruitment of a City Manager, defining a profile of the position while marketing Lincoln. She also presented a job specification and an advertisement for their consideration and approval to begin the process for recruitment as early as next week.

Council considered each item separately and took action as follows; Councilman Rhyne made the motion unanimously approved to proceed with the landscape format of the brochure.

Councilman Eaddy made the motion unanimously approved to proceed with the job specification as presented to Council.

Councilman Rhyne made the motion unanimously approved to proceed with the advertisement as presented to Council.

Tanya credited Chris Jones, IT Analysis, for his work on creating a brochure in a short time frame. Council commended Tanya and Chris for putting this information together so quickly. They were very pleased with the brochure noting it could be used as a marketing tool on our website generically after the city manager search is complete.

PUBLIC COMMENT:

Mr. Tommy Huskey, of 821 S Poplar Street, presented Council information on the NC Rehabilitation Code written expressly for existing buildings. This code moves away from the historic and nearly universal reliance on new building codes as the measuring stick for safety in existing buildings.

He said developers and building owners can not predict with certainty the time and resources required to rehab outdated or deteriorated buildings. Thus, many projects are not even attempted – and buildings become dilapidated or vacant. The five page handout addressed repair, renovation, alteration, reconstruction, change of use and additions for structures.

This item generated some discussion with Council expressing concerns that the City may get to a point that we consider having our own building inspector. Council suggested a meeting with the County Manager and Lincoln County Inspections to discuss possible ways to assist with more reasonable ways to rehab buildings in downtown. Mayor Hatley asked Laura Elam and Vicki Davis to discuss this further at the upcoming Planning retreat to be held March 18th.

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Robert Tomlinson, of 501 S Grove Street spoke to Council expressing his concerns questioning the cost of liability insurance for downtown events.

CLOSED SESSION:

City Attorney TJ Wilson told Council they would need to add a section to the closed session portion of the meeting to discuss a proposed insurance settlement, he cited section (3) to be added to the motion.

Councilman Rhyne made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11(a)(1)(3)(6) to discuss both consideration of a legal settlement and personnel.

Councilman Eaddy made the motion unanimously approved to return to regular session.

City Attorney TJ Wilson reported that Council took action whereby they discussed and considered a settlement for an EEOC claim, Flowers vs The City of Lincolnton. He said a settlement has been reached in the amount of \$ 10,000 and EEOC charges have been dismissed by both parties.

NEWS MEDIA:

There were no questions for Council from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR