REGULAR MEETING - APRIL 7, 2016

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

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

RHYNE BLACK EADDY JETTON

Councilman Black made the motion unanimously approved the REGULAR AGENDA.

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

- Approved minutes of the following meetings:
  March 3rd, 2016 - Regular Meeting
  March 22, 2016 - Special Meeting

- Approved the following Calls to Public Hearing for the May 5th City Council meeting:

  ZMA-1-2016 – Application from Charles R. Beech requesting the rezoning of 1.08 acres of land from neighborhood Business (NB) to General Business (GB). The subject property is located at the southwest corner of North Aspen Street and Industrial Park Road (Parcel ID 17359).

  ANX-1-16 – Application from Triangle Real Estate for satellite annexation of approximately 15.5 acres of land located on Buffalo Shoals Road north of Highland Drive

- Acknowledged the Mayor had presented the following PROCLAMATIONS:
  "Vietnam Veteran's Day" – March 29, 2016
  Ms. Almeta Patterson's 100th Birthday – March 31, 2016

- Approved **(R-05-16) a** Resolution Directing the City Clerk to investigate a Petition, from Triangle Real Estate received under G.S. 160A-58 and a Certificate of Sufficiency to annex 15.5 acres of land located on the west side of Buffalo Shoals Road

REGULAR AGENDA:

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):

CUP-2-2016

(NOTE: City Council took action at their March 3rd regular meeting to continue this Public Hearing and reconvene at their April 7th regular meeting)

Mayor Hatley reconvened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the conditional use permit.

Laura Elam, Planning Director , reviewed the request from Towercom for a conditional use permit to construct a 244 foot telecommunications tower in the residential-25 district. She provided a thorough review of the description of the site, the applicants compliance with CUP application requirements as well as compliance with section 153.237 and 153.238 and 153.238(f).

Staff review committee comments were as follows; (1) That Towercom 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 and (4) Building permits must be obtained from Lincoln County. Laura concluded recommending on behalf of Planning Board and Staff that the CUP be approved subject to compliance with staff review committee comments and conversion of he tower from a lattice type tower of 244 feet in height with guy wires to a monopole type tower of 199 feet in height with no guy wires.

Jonathan Yates spoke, representing the applicant , noting for the record that information presented in the agenda packet would serve as testimony in this quasi-judicial setting. He noted that the property in question, in his opinion, was perfect for Verizon Wireless to locate towers. He reviewed the impact analysis from the appraiser noting all the criteria were met, with enhancement to property values. He concluded recommending approval of the request. He offered to entertain any questions from Council.

Robert Tomlinson, a resident of South Grove Street, expressed concerns about a nearby dialysis clinic and questioned the affect a cell tower could have on this facility. Mrs. Simmons addressed his question noting there are no known concerns.

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

Councilman Eaddy made the motion unanimously approved to consider the request.

Findings of Fact:

(1) Councilman Black made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
(2) Councilman Eaddy made the motion unanimously approved that the use meets all required conditions and specifications.
(3) Councilman Jetton made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
(4) Councilman Rhyne made the motion unanimously approved that the location and character of the use, if developed according to plan as submitted and approved, would be in harmony with the area in which it is to be located and would 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 Eaddy 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 Eaddy made the motion unanimously approved to approve the request as submitted.

Councilman Jetton made the motion unanimously approved the conditional use permit as recommended contingent upon staff review committee comments being met.

RECOGNITION OF THE LINCOLNTON STUDENT ADVISORY COUNCIL:

Mayor Hatley called on Mrs. Jill S. Eaddy, Advisor for the Lincolnton Student Advisory Council, to recognize students from the five area high schools that are serving on the years Council. They are as follows:

EAST LINCOLN	WEST LINCOLN	LINCOLNTON
Alyssa Atwell	Jake Clary	Andi Parker
Maddie Woodie	Zane Peterson	Raheem Moore
Jared VanHee	Keely Stempien	Mallory Miller
Kail Krehnbrink	Logan Scott	Esther Garcia
Autuma Koehler	Logan Scronce	Sarah Cate Parker
	Katie Stevens	Elizabeth Noles

LINCOLN CHARTER	NORTH LINCOLN
Rachael Sellers	Catherine Stegal
Lucas Haskins	Amanda Bentley
Sarah Crews	Ben DeAngelis
	Jordan Ulibarri
	Gabi Burke
	Karleigh Morrison

Mrs. Eaddy introduced the SAC officers, Logan Scott, Chair - Jared VanHee, Vice-Chair and Amanda Bentley, Recording Secretary.

Mayor Hatley took a moment to thank all of these students and especially those that were in attendance for their time and interest in local government. He said, "I am very proud of each and every one of you and I enjoy working with this fine group of young men and women."

Jill then asked subcommittee chairs to provide a brief report to City Council on the progress they have made thus far. Sarah Cate Parker reported for the Business Committee, noting the continued recruitment of Chick-fil-a as their major focus. Amanda Bentley spoke about the fund raiser for Speak Up For Children, Jake Clary spoke about their involvement with the Rail-Trail Committee, noting a landscaping program and long range plan is currently in the works for the rail-trail. Logan Scott spoke on behalf of the School Committee. She said three major concerns that they are asking the School Board to consider are (1) temperature control in schools (2) placing security camera's in student parking lots (3) "Give Back" program to partner throughout Lincoln County providing high school students to assist with elementary schools, with homework or mentoring.

City Council thanked Mrs. Eaddy for her continued work, serving as Advisor for the Lincolnton Student Advisory Council and commended the students for their efforts and for their presentations tonight.

PRESENTATION OF FINALIZED DESIGN PLAN FOR FIRST FEDERAL PARK:

Ritchie Haynes, Recreation Director and Gary Wirth, Wirth & Associates gave a final overview of the plans for the First Federal Park that will be located at 201 N Poplar Street. They provided a handout of the existing conditions, demolition plan, site plan, site layout plan, grading plan, sediment & erosion control plan, planting plan, utility plan, site lighting plan, restroom floor plan, along with roof plan elevations, electrical, mechanical, and plumbing plans. The splash pad plan was discussed as well. Mr. Gary Wirth offered to answer any questions from

Council regarding the documents presented. He said he is now in the permitting process for various items discussed above.

Councilman Eaddy suggested that sprinkler heads would be ground level so maximum space could be utilized. Councilman Rhyne questioned when the project would go out for bid. Mr. Wirth and Mr. Haynes said they are going to the County for permitting next week and hope to have comments back by the end of the month. Mr. Wirth said it is his intentions to go to bid the first or second week of May.

CONTRACT BETWEEN THE CITY AND THE PIERCE GROUP BENEFITS FOR CHANGES TO THE EMPLOYEE BENEFITS:

(C-05-16)

Steve Zickefoose, Interim City Manager, told Council he is in the process of combining enrollment dates for employee benefits. This will require the City to operate on a short plan year July 1, 2016 to December 31, 2016. Our next plan year anniversary would be January 1, 2017. This will allow the City to have one enrollment process, helping Human Resources tremendously when dealing with new hires and current employee benefits.

Steve outlined the improvements with the change over as follows:
(1)Ameriflex medical reimbursement will increase to $ 1,275, and dependent care will increase to $ 5,000. The City is guaranteed against loss for the employer. There is a $ 2.00 cost per employee to the City.
(2)Visison Insurance will transition to Superior Vision with a four year rate guarantee of significant premium savings per tier and a rich benefit offering of a $ 200 allowance on a 12 month frequency. This will save employees an average of 17% in cost. There is no cost to the City.
(3)Employer paid Life Insurance will transition from Municipal Insurance Trust to MetLife. We will be increasing the benefit for class 1 from the current $ 10,000 to $ 25,000 and for class 2 from $ 5,000 to $ 15,000. This triples coverage for the majority of employees, at no cost to the employee. The additional cost to the City is $ 3,770. Steve said he can find this money in the budget and is a small cost considering the impact for employees.

Councilman Eaddy made the motion unanimously approved the changes as presented and recommended by the Interim City Manager.

CONSIDERATION OF A CONTRACT BETWEEN THE CITY AND CENTRALINA COUNCIL OF GOVERNMENTS TO CONDUCT A PAY AND CLASSIFICATION STUDY FOR $ 18,000:

(C-06-16)

Steve Zickefoose, Interim City Manager and Human Resources Director Tanya Osborne, told Council that as a result of discussions at the recent Planning Retreat, they have met with several companies regarding conducting a pay and class study for the City.

Mr. David Hill, Management Analysis with Piedmont Triad Regional Council, works with a number of retired Human Resource professionals that have vast experience in municipal and local government. This group works through Council of Governments performing these type studies. The proposal and agreement received from Mr. Hill was presented and outlines the components and steps to the process. The cost to conduct the study would be $ 18,000.

The last pay and classification study was completed was not recommended to be implemented by the City Manager. The life span of a study is every five years. Lincolnton is long overdue the opportunity to have a study conducted. Steve told Council the study could be completed in July and would us to implement the suggested increases (if any) in phases. Steve and Tanya concluded recommending Council consider entering into an agreement with Centralina Council of Governments, allowing Mr. David Hill and associates, to conduct a pay and classification study for the City.

Councilman Black made the motion unanimously approved to enter into the agreement with Centralina Council of Governments for $ 18,000 to conduct a pay and classification study.

RESOLUTION AUTHORIZING ELECTED OFFICIALS SIGNATURES AND INTERIM CITY MANAGER SIGNATURES FOR BANKING PURPOSES:

(R-06-16)

Steve Zickefoose, Interim City Manager, explained that banking resolutions needed to be executed to officially remove former City Manager Jeff Emory's name from banking contracts, as well as adding newly appointed Councilman David Black to the list of elected officials replacing former Councilman John "Les" Cloninger.

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

BUDGET AMENDMENT TO AMEND THE WATER & SEWER FUND EXPENDITURES - DISTRIBUTION AND COLLECTION (CAPITAL PROJECTS) BY $ 100,000; APPROPRIATION FROM FUND BALANCE:

(BA-02-16)

Steve Zickefoose, Interim City Manager, recommended that Council approve the above stated budget amendment to add $ 100,000 to install emergency generators at the Highway 150/Rhyne Mills pump stations. This cost was not presented in the original budget for this project. Steve said if approved these monies would be taken from the water & sewer fund and would not change the amount originally approved by Council.

Councilman Eaddy noted for the record that the City had no option as these generators are now mandatory by the state for each pump station. He then made the motion unanimously approved the budget amendment as recommended by the Interim City Manager Steve Zickefoose.

REQUEST TO CALL FOR A REFERENDUM FOR THE SALE OF "ON PREMISE MALT BEVERAGE":

Tommy Huskey, a resident of 821 S. Poplar Street, Lincolnton requested that Council members consider allowing the citizens of Lincolnton to vote at the upcoming Congressional Primary Election to be held June 7, 2016, to consider through referendum the sale of "on-premise" and "off-premise" malt beverages.

Mr. Huskey said he feel this is important to assist continued efforts to improve downtown Lincolnton. He asked that City Council endorse conducting the referendum by adopting a resolution supporting placing this item on the ballot. The resolution should read as follows:

RESOUTION

TO CALL FOR SPECIAL ALCOHOLIC BEVERAGE ELECTION

(R-07-16)

WHEREAS, the Mayor and City Council of the City of Lincolnton met in regular session on April 7th 2016 at 7:00 p.m. in the Council Chambers of City Hall; and

WHEREAS, by citizen request a vote was taken by the Lincolnton City Council to request to the Lincoln County Board of Elections that a Alcoholic Beverage Election for "On-Premises" and "Off-Premises" sale of malt beverages be added to the June 7th, 2016 primary election for the citizens of Lincolnton's consideration; and

WHEREAS, the City request that the board of elections shall give notice of a special alcoholic beverage election and notice of the close of registration in the same manner and under the same schedule as stated in NCGS 18B-601 on the above stated primary election date in accordance with NCGS 163-287.
THEREFORE, BE IT RESOLVED by the Mayor & City Council of the City of Lincolnton that this resolution be sent to the Lincoln County Board of Elections Director and the Board Officers upon adoption.
This the 7th day of April 2016.

Councilman Eaddy made the motion unanimously approved to draft said resolution and forward to the Lincoln County Board of Elections to request that the referendum be placed on the June 7th ballot.

Councilman Jetton said he has heard from many of the downtown merchants and he thinks this is a favorable option to them.

REQUEST TO CHANGE CITY ORDINANCE TO ALLOW EGG LAYING HENS WITHIN CITY LIMITS:
Amanda Khoury, a resident of 412 Grier Street, Lincolnton requested that Council consider amending the City's Code of Ordinances to allow chickens "laying hens" to be kept within the City limits.

Mrs. Khoury said she and her family are lifelong residents of Lincolnton. She home schools her children and feels having laying hens is entertaining and educational plus the eggs are nutritional. She has researched surrounding cities, Valdese, Gastonia and Hickory and all of these allow laying hens within the city limits.

Councilman Rhyne expressed concerns with enforcement of this ordinance if adopted. He referenced the same request being brought to Council in 2013, which soon after came the request to allow goats as well. Action in 2013 was to table the item for further discussion.

This item generated some discussion among Council. In conclusion Council directed staff to research options an bring back information to the May 5th City Council meeting for their consideration.

UPDATE ON EAST MAIN STREET AND GENERALS BLVD INTERSECTION PROJECT:
Laura Elam, Planning Director, gave a satus update on the City's plans for improvements of the intersection of East Main Street and Generals Blvd. She said TGS has submitted the design plan for the intersection improvement for review by NCDOT. She reviewed the expected accomplishments with this

intersection once improvements were made. She noted pedestrian safety through

new pedestrian crossings and vehicular safety through installation of four foot concrete islands preventing left turning movements along East Main Street as improvement highlights.

Currently TGS Engineering is waiting on the electrical design work for the underground electrical wiring at the intersection. Once they receive this piece from the City TGS can move forward with final approval from NCDOT. Public Works Director Steve Peeler has been working on this piece and is to meet with Mike Dockery of Southeastern to obtain their services for design only.

Councilman Eaddy questioned when the City would have the design plan in hand, "Can we have that in a couple of weeks?" Mr. Peeler said it could take several weeks.

Mayor Hatley asked that Council be given an update again at their May 5^{th} City Council meeting.

Laura told Council she is planning a meeting, tentatively set for May 24^{th} from 5:30 to 8:00 pm., that would be held at City Hall in the Council Chambers to invite the public and property owners in and around the intersection to inform citizens of plans for the project upgrade. She will let Council know once a definite date is confirmed for this meeting.

<u>MONTHLY FINANCIAL REPORT & OVERTIME REPORT:</u>

Steve Zickefoose, Interim City Manager, provided a summary to Council on the City's finances and overtime through February 2016. He said property tax, sales tax and franchise taxes are up a total of $ 102,000. Cemetery sales are up $ 15,000, GovDeals is up $ 27,000 total for all funds and miscellaneous is up $ 5,000. He noted salaries and benefits are up $ 139,000 due to health insurance, cost of living and pay outs to the former City Manager. Elections cost came in at $ 29,000. General Fund Debt Service is up $ 32,000.

Steve said on a positive note Capital purchases are down $ 223,000 and water and sewer revenues were up $ 310,000. He reviewed several other items and concluded saying we are two thirds of the way through this fiscal year and he feels things are remaining positive as expenses have been held down.

<u>PUBLIC COMMENT:</u>

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

Councilman Black made the motion unanimously approved to add a closed session to the agenda to discuss personnel and real property in accordance with NCGS 143-318(A)(1)(5)(6).

REGULAR MEETING - APRIL 7, 2016

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

No action was taken during the Closed Session portion of the meeting.

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

Councilman Black made the motion unanimously approved to recess the regular meeting to reconvene on Thursday, April 14th at 6:00 pm in the Council Chambers of City Hall.

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DONNA C. FLOWERS, MMC	**ED HATLEY**
CITY CLERK	**MAYOR**