

REGULAR MEETING - JULY 7, 2016

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

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

RHYNE BLACK EADDY JETTON

Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA.

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

- Approved Minutes of both June 2nd regular meeting and June 4th Special Meeting
- Approved amended Ward Boundary Map reflecting changes due to the recent annexation (ANX-1-2016 Triangle Real Estate)

Approved

by Council at their June 2nd meeting; adding property annexed to Ward 1.

REGULAR AGENDA

APPLICATION FROM HA OF NEWTON LLC REQUESTING THE REZONING OF 0.24 ACRES OF LAND FROM RESIDENTIAL-8 (R-8) TO GENERAL BUSINESS (GB). THE SUBJECT PROPERTY IS LOCATED BEHIND 2514 EAST MAIN STREET (EDDY'S AUTO PARTS) AND HAS FRONTAGE ON ROSS STREET AND OPENIEW DRIVE (PARCEL ID 25212) :

ZMA-4-2016

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director reviewed the request from the above said applicant. Laura reviewed the applicants compliance with the Land Use Plan, saying the rezoning of the property to the General Business (GB) district generally complies with the intent of the Land Use Plan in that the districts are similar and the front portion of the property is already

zoned General Business (GB). She concluded, recommending on behalf of the Planning board and Staff, that the property be rezoned to GB as requested by the applicant.

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Councilman Rhyne made the motion unanimously approved to close the Public Hearing. Councilman Jetton made the motion unanimously approved to rezone the property as recommended.

REQUEST FROM CITY OF LINCOLNTON PLANNING DEPARTMENT TO AMEND VARIOUS SECTIONS OF THE UDO TO REVISE THE STANDARDS AND DEFINITIONS REGARDING TAVERNS AND BARS TO REFLECT RECENT ELECTION RESULTS ALLOWING "ON PREMISE AND OFF PREMISE" SALE OF ALCOHOL:

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request submitted by the Planning Department to amend the City's Unified Development Ordinance (UDO) making revisions and corrections that reflect recent election results allowing "On-Premise and Off-Premise sale of alcohol.

Laura said current language allows for "social clubs" or "lounges" in the Neighborhood Business (NB), Central Business (CB), Central Business Transitional (CBT), General Business (GB) and Planned Business (PB) districts subject to the issuance of a conditional use permit by the City Council. In addition to the requirement for a conditional use permit, a proposed social club or lounge is subject to separation requirements from residentially zoned properties, churches, elementary and secondary schools, child day care and nursery schools, and public parks and playgrounds. The separation requirement in downtown is 50 feet. Outside of downtown, the separation requirement is 300 feet, she said. Laura also noted that the above local zoning regulations, an establishment that sells alcoholic beverages is required by the State to obtain an ABC permit and adhere to all applicable State and ABC laws. Those laws include consideration of whether the establishment is located within 50 feet of a church, public school, or any nonpublic school.

Laura reviewed the proposed text amendment to the UDO as follows:

- (1) The elimination of the outdated “social club” and “lounge” terminology along with elimination of the 50-foot and 300-foot separation requirements for those uses.
- (2) The addition of a new term “tavern”, which would include uses such as pubs, microbreweries, brewpubs and bars.
- (3) The allowance of taverns as a conditional use in all of the City’s commercial zoning districts including NB, CB, CBT, PB, GB, and GMC.

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In conclusion Laura noted the proposed elimination of the 50-foot and 300-foot separations from residentially zoned properties, churches, elementary and schools, child day care and nursery schools and public parks and playgrounds will eliminate a significant barrier to potential small business owners seeking a location for a tavern in the City. She said, “Through the conditional use permit process, City Council would consider, on a case by case basis, whether the proposed tavern is appropriate for the proposed location”. City Council could reject the conditional use permit request if it is viewed as unacceptable due to the location’s proximity to certain uses or its potential impact on nearby uses. Elimination of the separation requirements will allow City Council to determine the appropriateness of a specific request in a particular location rather than it being pre-determined by one size fits all standards in the ordinance.

Laura recommended, on behalf of Planning Board and Staff, that the UDO be amended as outlined above.

This item generated some discussion. Councilman Eaddy referenced the State ABC regulations, and their separations requirements, as they require the 50-foot separation on churches and schools. Laura said the State ABC would consider that they would consider whether or not the proposed use is located within 50 feet of a school or church. She talked with a representative from Alcohol Law Enforcement and found that that is hard and fast rule but said, they would consider a letter from a church or school saying they were ok with the use, should there be interest in an area near a church or school.

Councilman Rhyne asked when the last time the City had a request for a bar or lounge and that fifty foot rule came into play. Laura said the only one formally proposed was a few years ago on East Water Street.

Councilman Jetton asked about the word “tavern” requiring no food, he said “Could that be approved?” Laura said it could be approved under the new regulations approved by the recent referendum.

Councilman Eaddy asked, “Without this change, how unlikely would a microbrewery be to want to locate on Main Street? Laura said, “What we are hearing is that it would be beneficial to set yourself up to be a microbrewery without having to meet that restaurant requirement. As far as I know there are not many buildings downtown readily available, to move into today, that already have a commercial kitchen setup to be a restaurant”.

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Councilman Rhyne said he felt like Council has been unfairly labeled in the past for not being receptive to allowing bars or establishments locating downtown. He said, “My only concern is 50 feet is not a long way from a church or school for a bar to locate in downtown”. He said, “I feel better that Council would have the last say through a conditional use permit but 50 feet is not a lot of distance to me”.

Upon conclusion of the discussion among Council, Councilman Rhyne made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy made the motion unanimously approved to amend the UDO as recommended by the Planning Staff.

RECOGNITION OF MEMBERS OF THE LINCOLNTON POLICE DEPARTMENT FOR THE RECEIPT OF THE FOLLOWING CERTIFICATIONS:

OFFICER TIFFANY CLINE - INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

OFFICER RICK HENSLEY - INTERMEDIATE LAW ENFORCEMENT CERTIFICATE

OFFICER BILLY SIEBENHAAR - INTERMEDIATE AND ADVANCED LAW ENFORCEMENT CERTIFICATE

Rodney Jordan, Chief of Police, called forward the above mentioned officer to showcase these officers for their accomplishments. He said the Intermediate Certificate is the second highest certificate in law enforcement, and is something you really have to work for. He asked Captain Greene to come forward and assist as he presented certificates to Officers Cline, Hensley and Siebenhaar. The Chief also thanked the officer's spouses for the job they allow them to do.

Mayor Hatley also spoke, on behalf of the City Council, thanking these officers for their dedication and service to the City and to their profession.

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CONSIDERATION OF AMENDMENT TO THE CITY'S ADMINISTRATIVE POLICY MANUAL - ADDING # 11 - SERVICE CONTRACT PROCEDURES :

(P-06-16)

Steve Zickefoose, Interim City Manager, said he has evaluated some of the City's policies and procedures and he noticed there is not a policy for service contracts and procedures are to occur. He provided an overview the policy to Council, and supplied a copy of the proposed policy in its entirety in the agenda packet. The Service Contract Policy was reviewed as follows:

Policy # 11 - *Service Contracts* - Steve said the purpose of this policy would be to provide a consistent process for the selection and approval of service contracts that promotes opportunities for competition and increased value. The procedures shall apply for Professional Services Contracts, including but not limited to engineering services, architectural services, consulting services, design services, surveyor services, etc.

Councilman Rhyne made the motion unanimously approved to adopt the policies as presented by the Interim City Manager.

CONSIDERATION OF AMENDMENT TO THE CITY'S ADMINISTRATIVE POLICY MANUAL - ADDING # 12 - EMPLOYEE IDENTIFICATION :

(P-07-16)

Steve Zickefoose, Interim City Manager, said he has evaluated some of the City's policies and procedures and he noticed there is not a policy for service contracts and procedures are to occur. He provided an overview the policy to Council, and supplied a copy of the proposed policy in its entirety in the agenda packet. The Employee Identification Policy was reviewed as follows:

Policy # 12 - *Employee Identification* - This policy would establish guidelines for the issuance of a photo identification badge to all employees and for the use of said badge by employees while at work or when representing the City in any official capacity in an effort to provide a safe and secure workplace for all employees. (Public Safety employees that are required to wear uniforms are exempt from wearing the photo identification badge.)

Both policies would be placed in the City's Administrative Policy Manual and distributed to all employees if adopted.

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Councilman Black made the motion unanimously approved to adopt the Employee Identification Policy.

Councilman Black thanked Mr. Zickefoose for these updates. Steve said he felt the City has been behind not having these policies in place.

Councilman Rhyne questioned the end result of the identification Badges, asking if they would eventually service as a way to gain entry into the building. Steve said the end result would be sometime away as we would have to work toward that as we do not have monies available for implementing this at this time. Councilman Rhyne asked for the current cost of equipment just to produce the badges.

Steve said he thought about \$ 2,000 had spent thus far for the equipment to make the badges for identification purposes.

Steve said eventually, not anytime in the near future, equipment would be purchased to make these badges serve as a key, and eventually employee access to facilities could be controlled through this system as well. He reiterated this would not be anytime soon.

CONSIDERATION OF POLICY DEFINING GUIDELINES FOR RE-DEVELOPMENT REVOLVING LOAN FUND :

(P-08-16)

Steve Zickefoose, Interim City Manager, told Council that some months back the City received a \$ 96,107.00 State Grant for the purpose of re-developing downtown. The purpose of the Downtown Re-Development Revolving Loan Fund (DR RLF) is to encourage physical improvements and increase commercial space through the rehabilitation of Lincolnton's traditional, older buildings that have become dilapidated, under-utilized, and abandoned or are otherwise uninhabitable.

He said staff has prepared guidelines that include a fact sheet, application and the loan process. Loans will be awarded in amounts from \$ 5,000 to \$ 30,000 with a term of four years and zero interest. Loans would require Council approval. He requested Council adopt the guidelines and supporting documents as presented.

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Councilman Eaddy made the motion unanimously approved the guidelines, fact sheet and application as recommended by the Interim City Manager.

(A copy of these guidelines will remain on file in the City Manager's Office and will appear at the end of this document becoming a permanent part of these official minutes.)

RESOLUTION ENDORSING ABANDONMENT OF A PORTION OF ELM GROVE ROAD (SR#1221) FROM THE STATE HIGHWAY SYSTEM AS REQUESTED BY THE NC DEPARTMENT OF TRANSPORTATION THROUGH A PETITION FROM SOUTH FORK INDUSTRIES

(R-13-16)

Greg Brittain, of NCDOT, contacted the City Clerk Donna Flowers on the day of the meeting requesting that this item be removed from the agenda until further notice. NCDOT is continuing to work with South Fork Industries regarding right-of-way and other issues but plan to request to appear before Council at a future meeting to discuss approval of a resolution to abandon a portion of Elm Grove Road.

RESOLUTION DESIGNATING THE MAIN STREET MANAGER AS A DOWNTOWN DEVELOPMENT ASSOCIATION (DDA) POSITION, HIRED AND FUNDED THROUGH THE DDA :

(R-14-16)

Steve Zickefoose, Interim City Manager, told Council that the Downtown Development Association would like to continue the Main Street Director/Manager. The City has been acting as Main Street Manager prior to the current reorganization. He said in order to allow DDA to become the Main Street Manager, the following language needs to be included in a resolution that designates the change:

The City is designating the DDA to administer the Main Street Program at the local level. The DDA would be responsible for hiring, and funding a Main Street Manager (a person) to manage the program with the board of directors.

This item generated much discussion and DDA Board members as well as citizens were in attendance to provide input to Council if needed. Steve said a choice has to be made on how this position will operate. The State needs an

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official resolution adopted to determine the City's intent for a Main Street Manager.

Steve told Council that with the current Events and Marketing Coordinator position that provides support to DDA as seventy-five percent of their job duties was suggested to State Officials as the monetary support from the City. He was told this position could not count towards the position which requires one hundred percent of an employee's time be committed to the Main Street Program. We thought we had a solution and then we found out quickly that we did not have a solution. DDA would like to be the Main Street Manager but quite frankly they do not have the funding to do that.

Councilman Eaddy said, "DDA has been a powerful and influential part of the promotion of the City as long as I can remember. Their events bring us a lot of attention, they give us good feedback on issues that affect the City and they are on this multiple facet committee pulled together to help plan for the City in the future. I am very appreciative of their support. I do think the Main Street Program is suitably housed and I support the recent reorganization. I would like for us to take the opportunity to see if we can help with this funding shortfall on a temporary basis". Dr. Eaddy also said, "I would like to see if there are ideas that could be brought to the table; so would we be able to delay action on this item for one month until we can get some feedback and look at what our options are?"

The Interim City Manager said the designation of the Main Street Manager is time sensitive but it would take some time to fill the vacancy so it could be put off. Councilman Rhyne questioned whether the City or DDA would be filling the vacancy. Steve said, "The black and white answer would be that DDA would be filling the vacancy". Councilman Black said, "But are we providing the money for it?" Steve said that he had some discussions with Mrs. Donna Berringer and he is aware that the DDA does not have significant funds available to fund the position but he hesitated to elaborate as he did not want to speak on DDA's behalf. Mrs. Berringer said DDA could come possibly have \$ 20,000 available in funding toward the position.

After further discussion, Councilman Eaddy made the motion to table action on this item until the August City Council meeting.

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CONSIDERATION OF APPROPRIATING \$ 9,000 TO THE LINCOLN HISTORICAL ASSOCIATION TO ASSIST WITH RESTORATION OF THE 1920'S CLOCK THAT HUNG ON THE FORMER FIRST NATIONAL BANK BUILDING ALONG E MAIN AND COURTSQUARE :

Jason Harpe, Director of LCHA spoke to Council regarding the restoration of the old clock that formerly hung on the First National Bank Building in the 100 block of East Main Street. Jason credited Roby Jetton and Bill Beam for finding the clock and Steve Bailey for producing old photos of the clock to assist with restoration. Jason said a potential location could be the East side of the Court square but nothing has been confirmed to date as the selected structure would have to be determined structurally sound through an architectural or engineering firm.

Jason praised Councilman Jetton for his efforts in raising over \$ 5,000 himself towards this project. He estimated the total project cost to be around \$ 15,000. He concluded requesting the City consider providing \$ 9,000 of funding for this project.

Councilman Eaddy made the motion unanimously approved to provide the funding as requested to the Lincoln County Historical Association, to be used for the restoration of the "Old Clock".

Councilman Rhyne asked when the LCHA expected that the restoration would be complete. Jason said he hopes within a 90 day timeframe.

UPDATE ON BIDS RECEIVED FOR FIRST FEDERAL PARK :

Richard Haynes, Recreation Director, reviewed bids received for the First Federal Park project. He said bids received were higher than originally expected and he plans to meet with both Gary Wirth and Tommy Howard to discuss value engineering for potential removal of items to bring the project inline with the budget. He felt he would have more information from this value engineering meeting and could bring back cost estimates to Council at their August 4th meeting.

After some discussion Councilman Rhyne made the motion unanimously approved to table this item until the August 4th City Council meeting.

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CONSIDERATION OF REQUEST FROM LINCOLN COUNTY SCHOOLS SUPERINTENDENT FOR A SCHOOL RESOURCE OFFICER - ASBURY ACADEMY :

Steve Zickefoose, Interim City Manager and Rodney Jordan, Police Chief told Council of a request they had received from Dr. Sherry Hoyle Superintendent of Lincoln County Schools to consider adding a School Resource Office at Asbury Academy. They explained that upon the retirement of Kim Duncan, the position has become available and the school system would like to have a sworn law enforcement officer, as does Lincolnton Middle and Lincolnton High School.

Interim City Manager Steve Zickefoose said based on prior years cost for SRO's, the reimbursement formula provides sufficient funding that will have little if any additional costs to the City. The Police Department has a spare vehicle that could be used by the SRO if Council approves funding of the position.

Chief Jordan added that Asbury Academy is the alternative school for Lincoln County Schools and he felt the students would benefit from having a uniformed officer on site that would help in building trust and providing an enriching opportunity for development.

Dr. Hoyle and Associate Superintendent Tony Worley were in attendance and offered to answer any questions that Council may have regarding this request.

Councilman Eaddy made the motion unanimously approved to add the employee and amend the list of budgeted positions for the City to reflect this change.

Mayor Hatley along with Dr. Eaddy felt this would be a positive for both the School system and the City. Dr. Eaddy said, "I think it is a

good move, in the summer time officers like to take some time off and this gives them the manpower to help with scheduling. It allows our young people to bond with a City Police Officer.”

Mayor Hatley said, “I have never understood why there was hesitancy to fund or support a School Resource Officer in the first place.” Councilman Black said, “Doesn’t the City respond to calls in that area anyway, and doesn’t it make sense to have a City Officer in that school.”

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UPDATE ON THE STEERING COMMITTEE MEETING HELD JUNE 9TH COMPRISED OF B&CD, DDA, CHAMBER OF COMMERCE, LINCOLN ECONOMIC DEVELOPMENT ASSOCIATION AND THE LINCOLNTON TOURISM DEVELOPMENT AUTHORITY :

Steve Zickefoose, Interim City Manager, provided Council an update from the first Steering Committee meeting, which was hosted by the City on June 9th. The Steering Committee is comprised of representatives from Business & Community Development, the Downtown Development Association, the Chamber of Commerce, the Lincoln Economic Development Association and the Lincolnton Tourism Development Authority. Several community leaders were also on hand for the first meeting to provide input on how this group could work together to enhance communication throughout our community and various organizations, who are working together to promote Lincolnton.

Each committee’s mission statement was reviewed, all of which share a commonality of visions for progress. A representative of each organization gave an overview of areas that they considered to be their areas of specialties. General comments were made that indicate there are some areas that overlap and that coordination among the groups could prevent duplication of efforts.

Steve said, “I am very proud of the Steering Committee, this is the first time that I am aware of that efforts have been made to combine efforts to help improve the downtown area.” All organizations have a

vested interest in the betterment of both city wide and county wide development.

A common data depository and a community calendar will be developed for each organization to submit information and events. Branding was another topic and being able to blend the brands of the organizations

The biggest take away was the willingness for each organization to work together. It can help with business recruitment and also help with developing downtown and what we want it to look like. We can come together and have a common vision of what we want Lincolnton to look like. Steve said, "Again, I am extremely pleased with the first meeting and look forward to the next meeting of this committee".

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MONTHLY FINANCIAL & OVERTIME REPORT :

Steve Zickefoose, Interim City Manager, reviewed the following financial and overtime report:

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PUBLIC COMMENT :

Mayor Hatley reminded those that spoke to please keep comments at three minutes as stated in the Public Comment Policy.

Stacy Bryant spoke to Council as a former DDA employee noting several accomplishments that DDA has made through the Business and Community Development Department being a Main Street Program participant. She cited Court Street Grille and the City Hall / Fire Station complex as things that are in our downtown as a result of the DDA and B&CD.

And Lynn told Council that he serves as a board member on DDA and is in support of the Main Street Program but would like time to see where available funds may be to continue the position. He thanked Council for their continued support and said he would try and get more information to them regarding a plan for funding.

John Water spoke to Council expressing his opinion about the City's funding to the Lincoln-Lincoln County Airport. He does not feel the City receives benefit for the funding provided. He also thanked

Council, department heads and employees, especially first responders for the service they provide to the citizens of Lincoln.

Donna Berringer also spoke in support of DDA, as she serves as the current Chair of this board. She ask for 30 days to bring back information to Council regarding the program and potential funding options for the Main Street Program.

CLOSED SESSION: Councilman Eaddy made the motion unanimously approved to enter into Closed Session to discuss the position of City Manager in accordance with NCGS 143. 318.11(a)(6).

Councilman Rhyne made the motion unanimously approved to return to REGULAR SESSION.

Councilman Rhyne made the motion unanimously approved to offer the position of City Manager to Interim City Manager Steve Zickefoose pursuant to the modifications discussed regarding his contract.

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NEWS MEDIA :

Lincoln Times News Reporter Phil Perry had questions for Council regarding the appointment and contract. He was directed to the City Attorney for clarification.

ADJOURNMENT :

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

**DONNA C. FLOWERS, MMC
CITY CLERK**

**ED HATLEY
MAYOR**

One (1) Attachment