REGULAR MEETING - DECEMBER 1, 2016

The Mayor and City Council met in regular session on Thursday, December 1, 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 Eaddy made the motion unanimously approved the REGULAR AGENDA as presented.

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

- Approved of Minutes November 3, 2016 Meeting
- Approved Resolution (R-18-16) declaring surplus LPD Lieutenant Dwite Shehan's service weapon (Glock Handgun – Model 19 Serial # YCZ904) and Badge
- Approved the following Call to Public Hearing for the January 5th, 2017 meeting:
  ZTA-7-2016 – Application from City of Lincolnton Planning Department requesting an amendment to Sections 153.074, 153.113, & 153.114 of the Lincolnton Unified Development Ordinance. The changes would amend the development standards and setbacks for the Central Business (CB) and Central Business Transitional (CBT)

APPLICATION FROM BOGER CITY BAPTIST CHURCH REQUESTING A CONDITIONAL USER PERMIT TO CONSTRUCT A NEW FELLOWSHIP HALL AND PARKING LOT ON THEIR PROPERTY LOCATED AT 2201 EAST MAIN STREET:

CUP-5-2016

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the matter in accordance with Quasi-Judicial proceedings.

Laura Elam, Planning Director, reviewed the background of the above said request. She read aloud the site and area description, the applicants compliance with the conditional use permit application requirements as well as other conditional use permit requirements for this request.

She noted the staff review committee comments as follows: (1) Erosion control plan is required by the County (2) A demolition permit is required. Utility services must be terminated prior to demolition. An asbestos clearance report is required prior to demolition. (3) Sidewalk is required along Green Street and the portion of Arney Street from Green Street to the proposed driveway. (4) Storm water detention should be provided.

Laura reviewed the findings of fact and the erosion control plan as presented. She recommended on behalf of the Planning Board and Staff, approval of the conditional use permit subject to the Staff Review Committee comments and the City's Public Works Department working with the church on a plan to address storm water concerns expressed by Danny Watson, who owns property along Green Street across from the church.

She noted that subsequent to the Planning Board meeting, the Public Works Department met with Mr. Watson and representatives from the church and the stormwater management plan developed would involve the City installing catch basins on the east and west ends of the 15 inch drain pipe that currently runs under Green Street between the church property and Mr. Watson's property. The church would provide 80 feet of 15 inch corrugated pipe to be installed by Mr. Watson on his property. The western catch basin should have a 15 inch outlet on the west side with pipe at least to the property line.

Ron Henderson, a deacon of Boger City Baptist Church, spoke in favor of the request and offered to answer any questions that Council may have.

Hearing none, Councilman Black made the motion unanimously approved to close the Public Hearing.

<u>Findings of Fact:</u>

1. Councilman Eaddy 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 Jetton made the motion that the use meets all required conditions and specifications.
3. Councilman Black made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property or 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 the 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.

Councilman Rhyne made the motion unanimously approved to consider the CUP.

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

APPLICATION FROM MARSHALL GUNTER ON BEHALF OF SHEAR OPTIONS, INC. FOR BUSINESS INCENTIVE GRANT FOR $ 2,500 FOR EXTERIOR BUILDING RENOVATIONS AT 302 SOUTH ACADEMY STREET:

BIG-04-16

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the application from Marshall Gunter, on behalf of Shear Options, Inc. for Business Incentive grant for $ 2,500 for exterior building renovations at 302 South Academy Street.

Laura said the monies if awarded would be used for exterior buildings renovations such as removal of damaged and cracked pine original lap siding and lower level window trim and replacement with hardie board and exterior prep and paint. The total cost of the project was estimated to be $ 14,000.00.

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

Councilman Eaddy made the motion unanimously approved to award the grant in the amount of $ 2500.00 to the application as requested.

PRESENTATION OF RETIREMENT RESOLUTION HONORING LINCOLNTON POLICE LIEUTENANT DWITE SHEHAN FOR 22 YEARS OF SERVICE WITH THE CITY OF LINCOLNTON:

(R-19-16)

Councilman Eaddy made the motion unanimously approved the following retirement resolution for Dwite Shehan:

WHEREAS, *Dwite Shehan* began employment with the City of Lincolnton on December 14, 1994 as a Police Officer with the Lincolnton Police Department; and

WHEREAS, *Dwite Shehan* has proven his leadership qualities, rising through the ranks in 1999 to a Police Sergeant; then in 2008 to a Police Lieutenant. Dwite has served as a role model, providing excellent Public Safety to the citizens of Lincolnton; and

WHEREAS, *Dwite Shehan* received his Advanced Law Enforcement Certificate in 2002, which is the highest certification awarded by the Training and Standards Division of the North Carolina Department of Justice. Also in that same year he was instrumental in implementing the Field Training Officer program for the department; and

WHEREAS, *Dwite Shehan*, has served the citizens of Lincolnton over twenty one years in the Law Enforcement/Public Safety Sector, and plans to retire effective January 1, 2017; and
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Dwite Shehan* honoring him on his upcoming retirement and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 1st day of December 2016.

Mayor Hatley presented Lieutenant Shehan with a framed copy of the resolution, thanking him for his years of service to the City and its citizens.

PRESENTATION OF RETIREMENT RESOLUTION HONORING PLANT MAINTENANCE MECHANIC JAMES "SONNY" KISTLER – DISTRIBUTION AND COLLECTIONS FOR 21 YEARS OF SERVICE WITH THE CITY OF LINCOLNTON:

(R-20-16)

Councilman Rhyne made the motion unanimously approved the following retirement resolution for Sonny Kistler:

WHEREAS, James "Sonny" Kistler**,** began employment with the City of Lincolnton on July 11, 1995. During his employment, Sonny has faithfully served the City working in the Distribution and Collections Department throughout his tenure; and
WHEREAS, James "Sonny" Kistler, demonstrated his dedication to his profession through education and training receiving certifications from the NC Department of Environment and Natural Resources, in both Water Distribution and Water Pollution; and
WHEREAS, James "Sonny" Kistler, has assisted the City, maintaining nineteen lift stations, checking each one daily, ensuring minimal spills by keeping the stations in good working order thereby providing quality 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 James "Sonny" Kistler, honoring him on his upcoming retirement on January 1, 2017 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 1st day of December, 2016.

Mayor Hatley officially presented a framed copy of the above resolution to Mr. Kistler, thanking him for his years of service to the City.

CONSIDERATION OF RESOLUTION ADOPTING THE 2017 CALENDAR FOR LINCOLNTON CITY COUNCIL MEETING DATES AND TIMES IN ACCORDANCE WITH THE OPEN MEETINGS LAW AND NCGS 143.33:

(R-21-16)

The City Clerk presented the following calendar, in accordance with the City's Charter and NCGS, for consideration of the 2017 calendar year:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLNTON, NORTH CAROLINA DESIGNATING THE DATE AND TIME OF THE MONTHLY MEETING OF THE MAYOR AND CITY COUNCIL IN ORDER TO COMPLY WITH THE OPEN MEETINGS LAW

WHEREAS, Chapter 143, Article 33 B of the General Statutes of North Carolina (The Open Meeting Law) requires in effect if a public body holds a meeting at any time, it shall give public notice of the time and place of that meeting as provided in GS 143-318.8;

WHEREAS, one of the methods of giving such public notice is to advertise in a newspaper with a circulation in and around the City of Lincolnton; and

WHEREAS, the City Council desires to notify all citizens and residents of the City of Lincolnton of their regular meeting date and time.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that the regular meeting of the City Council shall be held the first Thursday of each month at 7:00 p.m. in the Council Chambers of the Lincolnton City Hall, located at 114 W. Sycamore Street, on the following dates and times:

January 5	**May 4**	**September 7**
February 2	**June 1**	**October 5**
March 2	**July 6**	**November 2**
April 6	**August 3**	**December 7**

All of these being held in 2017. The City Council meeting in Regular Session on December 1, 2016 established these dates and time and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to January 5, 2017 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards located on the first and second floors of the City Hall, located at 114 W. Sycamore Street. The purpose of this advertisement and the posting of this notice acknowledges the requirement as described in Chapter 143, Article 33 B of the General Statues of North Carolina.

Adopted this 1st day of December, 2016.

Councilman Eaddy recommended adopting the calendar with one change; *the July regular meeting be moved to June 29th rather than the first Thursday in July*.

Councilman Black made the motion unanimously approved to adopt the calendar with the change as recommended by Councilman Eaddy. City Council will meet two times in June 2017, June 1st and June 29th.

PRESENTATION OF THE AUDIT REPORT FOR THE 2016 FISCAL YEAR:

Mr. Phil Church and Carol Avery, of Lowdermilk Church & Company, L.L.P., said, "We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City for the year ended June 30, 2016."

Mr. Church reviewed the General Fund Balance, the amount of Fund Balance available with and without Powell Bill Funds, Water and Sewer Fund Balance, Electric Fund Balance, Tourism Development Authority Fund Balance and the cash on hand. As he states each year the required percentage for fund balance, from the Local Government Commission, is eight percent. The City currently has 47.3% which is slightly above the state average for a municipality operating an electric system with a population grouping of 10,000 to 49,999.

Phil concluded noting the City received a clean opinion for the auditing process and he offered to answer any questions that Council may have. He said he would be happy to set up a separate meeting with Council to discuss the audit further if they so choose.

Councilman Black made the motion unanimously approved to accept the audit as presented.

Councilman Eaddy said, "I would just like to thank our City Manager and City staff on turning the corner on draining our fund balance and that is an important step in the right direction for us financially, and I appreciate that."

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LOWDERMILK, CHURCH & CO., L.L.P. TO PERFORM THE 2016-17 AUDIT *($35,300)*

(C-21-15)

Steve Zickefoose, City Manager, recommended that Council consider entering into a contract with Lowdermilk, Church & Co to conduct the 2017 audit for the City. Steve noted the contract price has not increased in several years and this company does an excellent job with the City's audit. The total contract price would be $ 35,300 for the 2017 fiscal year if approved. Steve noted this amount is still less than the City was paying back in 2005.

Councilman Eaddy made the motion unanimously approved to enter into the contract as recommended by the City Manager.

<u>RE-APPOINTMENTS</u>:

(APPT-07-16)

City Clerk Donna Flowers reviewed the following re-appointments and told Council each had been contacted via email to see if they would consider serving a second term if reappointed.:

PLANNING BOARD - Gene Poinsette

(NOTE: Mr. Poinsette completed the unexpired term of Bill Ritter) His first three year term would begin in January 2017 expiring in December 2019

The following would begin serving a <u>second</u> 3 year term (January 2017 – Dec 2019)

AIRPORT AUTHORITY - John Anderson
HOUSING AUTHORITY - Chaddie Law and Mary Frances White
PLANNING BOARD - Becky Burke
TOURISM DEV AUTH - Lou Ann Cain

Councilman Jetton made the motion unanimously approved to re-appoint the above said individuals to said board/authority.

<u>NEW APPOINTMENTS</u>*:*

(APPT-08-16)

The City Clerk told Council that the vacancies for various boards and commissions was advertised in the Lincoln Times News from Friday October 21st through Wednesday, November 9th. All applications were received before the 5:00 p.m. deadline on Wednesday, November 16th. Applications received were as follows:

ABC BOARD (1 vacancy) - Dyra Eaker - Councilman Jetton made the motion unanimously approved to appoint Dyra Eaker to the Lincolnton ABC Board beginning January 1, 2017. Her first three year term would be January 2017 through December 2019.

FIREMEN'S RELIEF FUND (1 vacancy) – Rick Blackwell - Councilman Eaddy made the motion unanimously approved to appoint Rick Blackwell to the Lincolnton Firemen's Relief Fund Board beginning January 1, 2017. His first two year term would be from January 2017 through December 2018.

HISTORIC PROPERTIES COMMISSION (1 vacancy) - Bill Stark - Councilman Black made the motion unanimously approved to appoint Bill Stark to the Historic Properties Commission. His first three year term would begin January 2017 through December 2019.

HOUSING AUTHORITY (1 vacancy) – Michael Noles - Councilman Rhyne made the motion unanimously approved to appoint Michael Noles to the Lincolnton Housing Authority. His first three year term would begin January 2017 through December 2019.

PLANNING BOARD (2 vacancies) - Councilman Jetton made the motion unanimously approved to appoint Worth Roberts to the Lincolnton Planning Board. His first three year term would be January 2017 through December 2019.

Councilman Black made the motion unanimously approved Rebecca Abernethy to the Lincolnton Planning Board. Her first three year term will begin January 2017 through December 2019.

Mayor Hatley said, "I would like to welcome each one of the new appointees to their respective committees and we are looking forward to working with them. Without of the citizen input this job would come to a stop in a hurry." He also thanked the re-appointees for their willingness to serve a second term.

Councilman Eaddy requested that future vacancies be placed on the City's webpage as well as advertised as more and more people are going to the webpage and internet to get their information.

CONSIDERATION OF ADDENDUM TO (C-20-16) CONTRACT BETWEEN THE CITY AND HOWARD CONSTRUCTION - FIRST FEDERAL PARK:

Ritchie Haynes, Recreation Director, told Council that grading has begun on the First Federal Park site. Unfortunately, there are soil issues on the property that must be dealt with in order to move forward with the project. He said the two basic issues; coal remnants and an old creek bed that formerly ran through the site.

Ritchie had Tommy Howard of Howard Construction to attend to discuss the revisions to the park. He offered to answer any questions that Council may have about the information they have received regarding the five options to address the issues.

Councilman Eaddy questioned the location of the stage toward the middle of the property, long term we are going to be using this park forever this cuts the park in half. Is there any way to relocate that stage?

The current redesign has the stage toward Pine Street and the stage would accommodate more people, rather than when originally plan on the north side of the lot. The playground was dropped but the spray pad remained in the plan.

Councilman Jetton questioned when the park would be completed. Mr. Howard said while the contract allows for nine months he doesn't think it will take that long to complete it.

Ritchie reviewed the five options;

Option # 1 – Undercut unsuitable soil and replace with stone and structural soil fill.....................$ 24,471
Option # 2 – Alternate to # 1 for using only structural soil and deleting stone...............$ 21,828
Option # 3 – Site re-design moving the splash pad and building.........$ 17,855
Option # 4 – Alternate to # 3 with deductions if eliminate landfill disposal fees................$ 12,425
Option # 5 – Move splash pad only, replace bad soil under building footings..........$ 13,278

He said there will also be design fees for engineer for options 3, 4, and 5, but not enough to offset the higher costs for options 1 or 2. He concluded recommending Option # 4, with totaling all costs would be $ 21,115.00. Dirt will be taken to Motz Avenue rather than the landfill with this option.

Councilman Eaddy hoped for as much open space as possible to better see the stage.

Councilman Rhyne mentioned pedestrian concerns that were mentioned earlier this year. He asked if we are looking at speed bumps or stop signs at the trail crosswalks. The City Manager said nothing definite has been decided to date but we are looking at speed bumps or rumble strips at these intersections and this would be done with the completion of the park.

After further discussion, Councilman Rhyne made the motion unanimously approved Option # 4, as stated above, and recommended by the Parks & Recreation Director.

CONSIDERATION OF SELECTION OF ENGINEERING FIRM FOR THE SIDEWALK CONNECTOR PROJECT ON EAST MAIN STREET BRIDGE OVER HIGHWAY 321:

Laura Elam, Planning Director, gave the following report on the above said project:

BACKGROUND

The City has received authorization for preliminary engineering from NCDOT for the sidewalk connector project on East Main Street on the bridge over Highway 321.

NEXT STEP

The next step in the process is for the City to engage a private engineering firm to prepare the design plan for the project. We advertised a Request for Qualifications (RFQ) for design services that outlined the selection criteria and ranking system to be used in making the selection of the engineering firm. The criteria and ranking are as follows:

- Technical approach: 33.3 points
- Work management plan: 33.3 points
- Prior relevant experience of the proposed personnel: 33.3 points

Six (6) engineering firms submitted letters of interest in response to the RFQ including American Engineering, Davenport, Ramey Kemp, TGS Engineers, Wetherill Engineering and Zapata. All of the firms that submitted letters of interest are highly qualified and have extensive related design experience.

Based on the selection criteria, a staff team evaluated each of the firms' technical approach, the proposed work management plan and the experience of the proposed personnel to be assigned to the project. The staff team chose TGS Engineers as the firm they would recommend to City Council to perform the design services. (See attached staff team vote tally). NCDOT has reviewed and approved the staff team's selection process and granted authorization for the City to proceed to contract negotiations.

Once City Council has selected the firm to provide engineering services, then Staff will negotiate a contract with the selected firm and will proceed with the intention of having the contract on the next available agenda for consideration by City Council.

***ACTION REQUESTED*:** City Council selection of engineering firm to perform design services for East Main Street sidewalk connector project.

Councilman Black made the motion unanimously approved to select TGS Engineering as the firm for this project as recommended by the Planning Director.

MONTHLY FINANCIAL UPDATE / OVERTIME REPORT:

Steve Zickefoose, City Manager, reviewed the following monthly financial report:

COUNCILMAN RHYNE – WARD 1 REPRESENTATIVE PUBLICLY GIVING NOTIFICATION OF HIS RESIGNATION OF HIS COUNCIL SEAT IMMEDIATELY UPON THE APPOINTMENT OF HIS SUCCESSOR:

Councilman Devin Rhyne read aloud a prepared statement as follows: "Mayor, Council, and fellow citizens, bare with me as I get through this. As many of you know by now I have decided to resign from the Lincolnton City Council."

"Many have asked me why; the main reason is a change in residence. My family and I decided to move outside the City, so I am no longer eligible serve. It is with mixed emotion that I am walking away. I feel like I have given all I could for seven years to the City. There are projects and which I would like to see complete, but I also truly believe the City is in a good place. This is s wonderful Council to work with. Our management team is top notch. Our employees are the best around, and the citizens are knowledgeable, fair and eager to help in anyway. The future is bright for the City and I am excited to watch it unfold."

"This is not a goodbye to public service for me, this is a coffee break in the tour of life. Who knows what the future may hold. So, as I am stepping down, I want to make sure that people of Lincolnton and Ward I are represented by someone with the knowledge and desire to do us proud."

"Tim Smith, a local business owner, CPA, and proud citizen has the knowledge, and I know after talking with him that he has the desire to see us through an even brighter future."

"Therefore I am tendering my resignation from Ward I seat on the Lincolnton City Council effective upon the appointment of my successor, Tim Smith."

CONSIDERATION OF APPOINTMENT TO WARD I COUNCIL SEAT:

Councilman Rhyne then made the motion unanimously approved to appoint Tim Smith, of 722 Sherrill Avenue, as the Ward I representative on the Lincolnton City Council. Mr. Smith will fill the unexpired term of Councilman Rhyne through December 2017.

CONSIDERATION OF A MOTION FORMALLY ACCEPTING COUNCILMAN RHYNE'S RESIGNATION:

Mayor Hatley called for a motion to formally accept Councilman Rhyne's resignation. Councilman Jetton made the motion unanimously approved to accept Councilman Rhyne's resignation.

REGULAR MEETING - DECEMBER 1, 2016

PRESENTATION TO COUNCILMAN RHYNE:

Mayor Hatley and City Council presented Councilman Rhyne with a plaque recognizing his service from March 2010 through December 2016. He was also presented with a Boston Rocker for his years of service to the City and its citizens.

Mayor Hatley said, “On behalf of all the City Council we wish you well. I am looking forward to our continued friendship.”

Councilman Eaddy said, “Thank you for your service. I have enjoyed serving with you and it has been a pleasure getting to know you. I wish you well.”

Councilman Jetton said, “I have enjoyed serving with you for the past year, you have shown me a lot, and I thank you very much.”

Councilman Black said, “It was a short time up there with you, but I enjoyed it and I appreciate your service.”

Both the Police Chief and Fire Chief presented Councilman Rhyne with a gift from their departments as a token of their appreciation for the service to the City.

PUBLIC COMMENT:

With no one signing to speak under Public Comment, Councilman Eaddy took the opportunity to say, “Our Town is beautiful and I want to thank our Public Works for all of their hard work.” Councilman Jetton echoed Councilman Eaddy’s comments saying, “I am so proud to be from Lincolnton, we had one of the best Christmas parades in Lincolnton’s history, and our City is beautiful.”

NEWS MEDIA:

While there were no questions from the News Media, both the Lincoln Herald and Lincoln Times News wished Councilman Rhyne the best and thanked him for his service.

ADJOURNMENT:

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

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