

A G E N D A

LINCOLNTON CITY COUNCIL

February 2, 2017

7:00 p.m.

Council Chambers

City Hall

**FOR YOUR CONVENIENCE A COPY
OF TONIGHT'S AGENDA
IS AVAILABLE, LOCATED TO THE
RIGHT OF THE ENTRANCE TO THE
COUNCIL CHAMBERS**

**ANYONE WISHING TO SPEAK
DURING THE PUBLIC COMMENT
PORTION OF THE AGENDA
PLEASE SEE THE CITY CLERK
PRIOR TO THE MEETING TO SIGN
UP**

**NON-AGENDA ITEMS WILL BE
DISCUSSED AND SPEAKERS WILL
BE LIMITED TO THREE (3)
MINUTES**

**A COPY OF THE RULES FOR PUBLIC
COMMENT ARE AVAILABLE AT THE CITY
CLERK'S DESK**

**THANK YOU FOR ATTENDING
OUR MEETING
AND FOR YOUR INTEREST
IN THE CITY OF LINCOLNTON**

A G E N D A

LINCOLN CITY COUNCIL

February 2, 2017

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

All items placed under Consent Agenda are considered routine, to be enacted by one motion without discussion. If a member of the Governing Body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.

3. Approval of minutes from January 5th regular meeting

4. (C-04-17) Proposal for a Fair and Equitable Airport Funding Agreement between the City of Lincoln and Lincoln County

5. Approval of amendments to the City's Zoning Map

6. Call to Public Hearing for the March 2nd meeting:

Proposed Amendment to the City of Lincoln Code of Ordinances to add Section 150.100, Minimum Nonresidential Standards, in order to establish minimum standards for maintenance of commercial buildings

REGULAR AGENDA:

PUBLIC HEARING

- 7. CUP-1-2017 – Application from Seven Eagles Building Group requesting the renewal of a conditional use permit to construct a 33-unit condominium complex on 5.25 acres in the CU-RMF district. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range facility (Parcel ID 86678).**

Laura Elam, Planning Director

AGENDA

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PUBLIC HEARING

(O-02-17)

- 8. Proposed amendment to the City's Code of Ordinances – Title VII – Traffic Code – Chapter 74 – Traffic Schedules; Schedule VII. ADD: Hoke Street – entire length of the street from Flint Street to the dead-end portion past Cedar Street – reduce speed limit from 35 mph to 25 mph**

Rodney Jordan, Chief of Police

RECOGNITION

- 9. Recognition of the retirement of Wayne Houser – Volunteer Firefighter with Lincolnton Fire Department for 22 years**

Ryan Heavner, Fire Chief

OTHER BUSINESS

- 10. Update on Aspen Apartments project and property located at 215 N. Oak Street**

**TJ Wilson, Jr.
City Attorney**

- 11. Discussion of proposed changes to the City's Code of Ordinances – Public Meetings on Streets and Sidewalks – Business Permit Required – Solicitors and Street Performers**

**TJ Wilson, Jr.
City Attorney**

- 12. Monthly Financial/ Overtime Report**

Steve Zickefoose, City Manager

PUBLIC COMMENT

Speakers will be limited to three (3) minutes to address Mayor and City Council concerning Non-Agenda items.

You must sign in with the City Clerk to be eligible to speak

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February 2, 2017
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CLOSED SESSION

**In accordance with NCGS 143-318.11(a)(1)(5)
to discuss property**

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

MINUTES - SPECIAL MEETING - JANUARY 5, 2017

The Mayor and City Council held a Special Meeting on Thursday, January 5, 2017 at 6:45 pm in the Council Chambers of City Hall, located at 114 West Sycamore Street, Lincolnton NC.

Mayor Hatley called the meeting to order and called on special guest JT Grant of Boger City United Methodist Boy Scout Troop 73 to lead the Pledge of Allegiance. JT is working on his Eagle Scout and Mayor Hatley wished him the best of luck with completion of this endeavor.

Council members in attendance were:

SMITH BLACK EADDY JETTON

Councilman Tim Smith was appointed at our December 1, 2016 regular meeting to fill the unexpired term of Devin Rhyne representing Ward 1.

Mayor Hatley called newly appointed Councilman Smith forward and the City Clerk administered his Oath of Office with his wife holding the bible. His daughter and his mother were also present and stood with him during his oath.

Mayor Hatley called on Councilman Smith for comments. Councilman Smith said, "I would like to say I appreciate the opportunity to serve the citizens of Lincolnton and I will try to do as much as I can in this short period before the election and I will try to do the best that I can to get some things done during this time."

Mayor Hatley said, "We would like to thank Tim for taking the time to fill in for Devin, luckily we have someone the caliber of Tim to take his place."

Councilman Jetton made the motion unanimously approved to recess the meeting until 7:00 p.m.

REGULAR MEETING - JANUARY 5, 2017

The Mayor and City Council met in regular session on Thursday, January 5, 2017 at 7:00 p.m. in the Council Chambers of City Hall located at 114 West Sycamore Street, Lincolnton NC.

A special called meeting was advertised and held at 6:45 pm this evening to swear in newly appointment Ward I Councilmember Tim Smith who replaced Devin Rhyne who moved outside the City limits.

At the conclusion of the special called meeting, at 6:51 pm, Councilman Jetton made the motion unanimously approved to recess until 7:00 p.m.

Councilman Eaddy made the motion unanimously approved to reconvene the meeting at 7:00 p.m. All Council members were present.

Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA.

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

- Approved the minutes of the December 1, 2016 Regular Meeting
- Approved the following changes to the City's position Classification Listing:
 - Title change of Assistant Public Works Director to Public Works Superintendent
 - New position at grade 25 of Public Utilities Director
 - Elimination of grade 27-Public Works & Utilities Director
- Approved the following Call to Public Hearing for the February 2nd Agenda:
 - CUP-1-2017- Application from Seven Eagles Building Group requesting the renewal of a conditional use permit to construct a 33-unit condominium complex on 5.25 acres in the CU-RMF district. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range facility (Parcel ID 86678).

REGULAR MEETING - JANUARY 5, 2017

REGULAR AGENDA:

APPLICATION FROM CITY OF LINCOLNTON PLANNING DEPARTMENT REQUESTING AN AMENDMENT TO SECTIONS 153.074 AND 153.113, AND 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) DISTRICTS.

(ZTA-7-2016)

(O-01-17)

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from the Planning Department to amend sections 153.074, 153.113 and 153.114 of the Lincolnton Unified Development Ordinance. Laura said the development team that has been working with the City on the three proposed downtown infill projects has been coordinating with City staff on several issues that need to be addressed in order to allow those projects to be developed successfully. The proposed amendments to the UDO are necessary in her opinion and would allow the infill project to move forward as planned.

She said the purpose of these proposed amendments is also to add some flexibility to the standards for new development in the downtown area while continuing to ensure preservation of the historic character of our downtown.

First (Side and Rear Yard Setbacks) Laura proposed side and rear yard setbacks for multifamily residential uses adjoining residential districts be reduced from 20 feet to 10 feet if an opaque fence or wall is provided to screen the multi-family use from the residential district.

Secondly (Build-to Line) she proposed three changes; The amendment would make a distinction between commercial structures and multi-family residential structures; For commercial structures in the CB District, no changes were proposed. For commercial structures in the CBT district, new commercial structures would be required to observe a build to line of zero to 20 feet (maximum setback of 20 feet); The amendment would allow multi-family residential structures to have a varying build- to line ranging from zero to 30 feet.

Thirdly (Supplementary Regulations; Building Design Elements) she proposed adding language to the UDO that recognizes that description best applies to the older, retail style buildings and then provided additional descriptions for other types of buildings as follows:

REGULAR MEETING - JANUARY 5, 2017

- (1) The many churches exhibit primarily two distinct styles, late gothic revival and classic (Greek) revival.
- (2) Perimeter buildings and residential buildings convey a more common pitched roof, with styles of colonial, revival and craftsman (among others) intermingled.
- (3) Some of the older structures have steep pitched roofs in neutral or muted colors.

The proposed amendment states that new or renovated structures in CB and CBT districts are expected to compliment the nearby structures by extending styles of adjoining buildings or by creating an aesthetic blend from style to style where adjoining styles transition.

4.(Supplementary Regulations: Awnings and canopies) The proposed amendment would allow awnings and canopies to also be made of standing seam prefinished metal on open metal framing. Existing awnings and canopies be recovered with slate or simulated slate, shingles, or standing seam metal in neutral or earth tone colors.

5.(Supplementary Regulations: Building presentation) The proposed amendment would make a distinction between individual commercial buildings and a group commercial building or a non-commercial building. In the case of a commercial cluster type development or a non-commercial building, the street façade is to be addressed through fenestration or other design elements and entrances can be accessible through walkways or plazas form the public sidewalk.

6.(Supplementary Regulations: Building Width) The proposed amendment would recognize that there may be a need for pedestrian or vehicular access to an area behind the building front such as rear yard parking or courtyards. The change would allow a break in the building wall subject to use of a design element that would provide visual framing such as a fence termination feature, replicated walls, or scalable landscaping.

7.(Supplementary Regulations: Color) The proposed amendment would require paint colors to relate to natural material colors found on neighboring historic buildings and nearby buildings.

REGULAR MEETING - JANUARY 5, 2017

8.(Supplementary Regulations: Front build-to line/outdoor cafes) The proposed amendment would allow other types of architectural articulation in addition to a low wall to be used to continue the visual continuity of the building face for outdoor cafes)

9.(Supplementary regulations: Demolition) The proposed amendment would replace the reference to the Business Community Development Director with a reference to the Planning Director.

Laura concluded recommending on behalf of Planning Board and Staff that the proposed amendments be approved, amending the UDO as outlined.

Dennis Williams, representing Piedmont Properties, spoke in favor of the request and offered to answer any questions that Council may have. Hearing none, Mayor Hatley thanked him for the work he has done thus far on this project.

Craig Upshaw, also of Piedmont Properties, spoke in favor of the amendments, noting it would assist them with moving forward with the project.

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

Councilman Black made the motion unanimously approved to amend the City's Unified Development Ordinance as recommended by the Planning Director.

Councilman Eaddy said in review he felt these changes would help as we get others buildings renovated. Laura Elam, Planning Director, said "Yes this will give some flexibility".

APPLICATION FROM MARK INGLE FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS AT 114 EAST MAIN STREET:

BIG-01-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from Mark Ingle for a Business Incentive Grant for building renovations at 114 East Main Street. The total project cost estimate was \$ 19,500 with a project completion date of March 2017. The use would be for exterior building renovations including; removal of existing façade and restoration to original state; replacement of existing windows with new windows to match original windows; new storefront double doors. The Planning Director and the

REGULAR MEETING - JANUARY 5, 2017

Steering Committee recommended that up to \$ 2500 be awarded for building renovations.

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

Councilman Black made the motion unanimously approved to grant up to \$ 2500 as recommended by the Planning Director for this exterior building renovation.

APPLICATION FROM DAVIS BROTHERS AUTOMOTIVE FOR BUSINESS INCENTIVE GRANT FOR NEW AUTOMOTIVE SHOP AT 109 DAVE WARLICK DRIVE:

BIG-02-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from Davis Brothers Automotive for a Business Incentive Grant for his new automotive shop at 109 Dave Warlick Drive. The total project cost estimate was \$ 1552 to install two awnings on front of the building located at 109 Dave Warlick Drive. The project completion date was estimated to be February 2017. Laura concluded recommending on behalf of the Planning Department and the Steering Committee that \$ 776.00 be approved for this grant.

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

Councilman Eaddy made the motion unanimously approved to grant up to \$ 776.00 as recommended by the Planning Director for the installation of two awnings on the front of the building.

APPLICATION FROM BENNETT JOHNSON FOR BUSINESS INCENTIVE GRANT FOR NEW AUTOMOTIVE SHOP AT 619 N ASPEN STREET:

BIG-03-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from Bennett Johnson for grant funds to up fit the existing building for new automotive shop with interior and exterior renovations to the building which include; repair/renovate vehicle bays, repair/renovate office area, repair/renovate bathrooms, paving of driveway, removal and replacement of roof, cleaning of brick, and replace broken windows. The total project cost estimate was \$ 86,786.00 with a project completion date of February 2017.

REGULAR MEETING - JANUARY 5, 2017

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

Councilman Eaddy made the motion unanimously approved to grant up to \$ 5,000 as recommended by the Planning Director for the above said improvements to this facility formerly known as McGinnis Brothers Automotive, located at 619 North Aspen Street.

RESOLUTION HONORING RICKY WOODELL, SOLID WASTE DEPARTMENT, FOR TWENTY-NINE YEARS OF SERVICE TO THE CITY OF LINCOLNTON:

(R-01-17)

Mayor Hatley called Ricky Woodell forward and read aloud the following proclamation honoring him for his service to the City:

WHEREAS, the City of Lincolnton does desire to recognize and honor employees of the City for dedicated and distinguished contributions to our City and its citizens; and

WHEREAS, Ricky M. Woodell, began employment with the City of Lincolnton on January 18, 1988 as a Solid Waste Collector I in the Public Works Division. In 1989 he was promoted to Equipment Operator I, transferring to the Street and Property Maintenance Division. Ricky has since served as an equipment operator for the majority of his career, mastering all equipment within the Solid Waste and Street and Property Maintenance Departments; and

WHEREAS, Ricky M. Woodell, has over his tenure assisted the City through demanding changes, transitioning routes and regulation changes, always striving to maintain a superior level of service to our citizens; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to **Ricky M. Woodell**, honoring him on his upcoming retirement on February 1, 2017, serving our City and its citizens for twenty-nine years; and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 5th day of January 2017.

Councilman Jetton made the motion unanimously approved the resolution as presented to Mr. Woodell.

REGULAR MEETING - JANUARY 5, 2017

PRESENTATION OF INTERMEDIATE LAW ENFORCEMENT CERTIFICATES TO ISAIAH MATHEWS AND JENNIFER GREEN:

Rodney Jordan, Police Chief ask both Officer Isaiah Matthews and Officer Jennifer Greene to come forward to receive their Intermediate Law Enforcement Certificates. Chief Jordan said he feels these achievements should be recognized once received as it takes hundreds of hours of training and hard work to earn these certifications. He said the Intermediate Certificate is the second highest award issued by the NC Training and Standards Commission.

Chief Jordan also took a moment to thank the spouses of these officers noting it is hard on the spouses sometimes with the amount of time away from home it requires to obtain this certificate. Mayor Hatley also thanked the officers and their families for all they do providing public safety to our City.

CONSIDERATION OF APPOINTMENT OF A COUNCIL MEMBER TO THE FOLLOWING BOARDS TO REPLACE FORMER COUNCILMAN DEVIN RHYNE:

(APPT-01-17)

Mayor Hatley told Council that with the recent resignation of Councilman Rhyne several board vacancies were created. He said appointments would need to be made for the following:

- (a) Centralina Council of Governments
- (b) Lincoln Recreation Commission
- (c) Lincoln Cultural Center Board

After some discussion, Councilman Jetton said he would like to serve on the Recreation Commission and make his seat available to another Council member to serve on the Downtown Development Association, noting this would better fit his schedule of the other boards to which he currently serves.

Councilman Eaddy made the motion unanimously approved to appoint Councilman Tim Smith to begin serving on the Centralina Council of Governments Board representing the City; Councilman Tim Smith to serve on the Downtown Development Association and the Lincoln Cultural Center Board. Councilman Jetton would replace Councilman Rhyne on the Recreation Board. The City Clerk is to notify all boards of these changes.

REGULAR MEETING - JANUARY 5, 2017

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DOWNTOWN DEVELOPMENT ASSOCIATION (DDA) FOR THE WINE & BREW FEST – APRIL 22, 2017:

(C-01-17)

Wayne Hoyle, DDA, presented a contract drafted by the City for the 2017 Wine & Brew Fest that will be held Saturday April 22nd in downtown Lincoln. Mr. Hoyle noted several revisions to the contracts as the DDA does not have a President but would like to have the Chairman to sign, they do not have a secretary but would like to have their Treasurer sign on behalf of DDA; they do not have a seal and that indication was to be removed. The City Clerk was to make the revisions on all of the contracts and forward to them for signatures. Maps were attached depicting the locations that beer and wine would be sold.

Councilman Eaddy made the motion unanimously approved that the City enter into the contract between the City and the Downtown Development Association for the 2017 Wine & Brew Fest with the noted contract correction.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DOWNTOWN DEVELOPMENT ASSOCIATION (DDA) FOR THE ALIVE AFTER FIVE CONCERT SERIES FOR 2017 – MAY 25TH, JUNE 29TH, JULY 27TH, AUGUST 31ST AND SEPTEMBER 28TH:

(C-02-17)

Wayne Hoyle, DDA, presented a contract drafted by the City for the 2017 Alive After Five Concert Series. One additional correction to the Alive After Five Concert Series contract was to omit the following language in section (b) “during the afternoon and evening hours of selected spring days throughout the year” and replaced with “which are to be held that last Thursday of the month”.

Councilman Black made the motion unanimously approved to enter into the contract between the City and the Downtown Development Association for the 2017 Alive After Five Concert Series for the above said dates and the noted changes.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND DOWNTOWN DEVELOPMENT ASSOCIATION (DDA) FOR THE HOG HAPPENIN EVENT TO BE HELD JUNE 2ND AND JUNE 3RD, 2017:

(C-03-17)

Wayne Hoyle, DDA, presented a contract drafted by the City for the 2017 Hog Happenin event which is to be held Friday June 2nd and Saturday June 3rd 2017.

REGULAR MEETING - JANUARY 5, 2017

Councilman Eaddy made the motion unanimously approved to enter into the 2017 contract between the City and Downtown Development Association Hog Happenin Event, making the above noted changes to the contract as requested by Mr. Hoyle.

Councilman Eaddy suggested to those involved in organizing the event that the merchants/businesses be notified in advance of the street closings and that the amount of time for the street closures be minimized as much as possible for the businesses.

UPDATE FROM THE STEERING COMMITTEE:

Fred Jarrett, Chairman, provided an update to Council on the efforts and ideas of the newly formed Steering Committee. He said a couple of weeks ago officers were elected for the Steering Committee, who serves solely as an advisory Committee to City Council, and they have recently drafted their Charter. Mr. Jarrett said in the short time the committee has been meeting it has become a conduit for better communication with various organizations. Organizations represented on the Steering Committee are the City of Lincoln, Lincoln County Chamber of Commerce, Downtown Development Association, Lincoln Tourism Development Authority, Lincoln Economic Development Association, Lincoln County Homebuilders Association, Lincoln Cultural Center and the Lincoln County Historical Association. Mr. Jarrett gave Steering Committee members the opportunity to add information or discuss issues with Council. Mr. Jarrett said, "The goals of the committee are to help implement the City's recently approved Strategic Plan."

City Manager Steve Zickefoose said, "This has been a very meaningful experience for me and this is a very strong committee and I think we are going to see good things come from there efforts."

Mr. Jarrett continued giving a thorough review of the structure of the Steering Committee, the role of a Steering Committee Member, Decision Procedure of the Steering Committee, the Chair's responsibilities, Vice-Chair's responsibilities as well as the Secretary's responsibilities. He went over the committee meeting dates as well as the meeting etiquette. He conclude offering to entertain any questions from Council.

REGULAR MEETING - JANUARY 5, 2017

Mayor Hatley said, "I would like to thank those involved for opening up the lines of communication. I think that is the key to success with every group, talking to each other rather than acting independently. Coordinating efforts of all groups will only make things better."

Councilman Eaddy also commended the Steering Committee for their efforts. He said, "Each grant is independent of the other and I would like to see some consistency as to what improvements may look like to ensure consistency for what our long term vision for what Main Street needs to look like." "We need to get that on the board before we start repairs so that our little steps are congruent with our long term vision." Dr. Eaddy said he would like to see Lincoln Economic Development Association (LEDA's) database posted on the City Website to make this information available so those interested in locating in Lincolnton can see the buildings that are available.

Councilman Eaddy said, "A journey is a lot of little steps and I think down the road when we look back this step maybe will be one of the most important steps taken to move this City forward. I would like to thank the City Manager for his initiative to bring this group together. I think we are going to be very happy that we formed this committee."

Councilman Jetton also commended Mr. Jarrett and those involved noting there have been a lot of issues in our downtown and it is great to see everyone working together and better communicate what Lincolnton has to offer. He said, "I think you are going to see some great things happening."

DISCUSSION OF POTENTIAL AMENDMENTS TO THE CITY'S CODE OF ORDINANCES:

TJ Wilson, City Attorney, discussed several disruptions at our public events. We have looked at ordinances from other cities and should have something to you by the next meeting or certainly by Planning Retreat. The City Attorney wanted to see how current litigations pan out prior to moving forward. A handout of the Greensboro ordinance currently addressing public events/gatherings was distributed. Mayor Hatley said we would have this item on a future agenda to hopefully put an ordinance in place in the near future.

Councilman Eaddy ask that staff also look into some type of ordinance addressing the placement of TV's at roadside inside the City limits. Staff will research this and get back to Council at a future meeting.

REGULAR MEETING - JANUARY 5, 2017

MONTHLY FINANCIAL/ OVERTIME REPORT:

Steve Zickefoose, City Manager, gave the following financial./overtime report to Council:

January 2017 Council Meeting
Executive Summary
November 2016 Year-To-Date

General Fund		16-17	% of Budget	15-16	Difference
Fund 10	Revenues	4,801,497.00	39.91%	4,536,960.70	264,536.30
	Personal Services	3,168,135.10		3,395,657.10	(227,522.00)
	Supplies & Materials	155,863.24		137,073.97	18,789.27
	Current Obligations	233,375.75		197,936.15	35,439.60
	Fixed Charges	143,929.46		276,119.75	(132,190.29)
	Capital Outlay	508,306.01		316,879.08	191,426.93
	Contracts/Grants	290,613.76		262,297.50	28,316.26
	Debt Service	30,011.96		7,461.96	22,550.00
	Expenses	4,530,235.28	42.62%	4,593,425.51	(63,190.23)
	Difference	271,261.72		(56,464.81)	327,726.53

Water & Sewer Fund		16-17	% of Budget	15-16	Difference
Fund 61	Revenues	3,589,545.22	40.53%	3,756,223.82	(166,678.60)
	Personal Services	758,268.83		806,204.35	(47,935.52)
	Supplies & Materials	175,189.88		194,822.11	(19,632.23)
	Current Obligations	228,862.21		197,833.95	31,028.26
	Fixed Charges	50,560.94		152,540.21	(101,979.27)
	Capital Outlay	570,359.67		119,479.44	450,880.23
	Contracts/Grants	111,261.13		106,893.17	4,367.96
	Debt Service	135,573.86		160,730.52	(25,156.66)
	Inv., Interfund	157,956.65		157,956.65	-
	Expenses	2,188,033.17	32.00%	1,896,460.40	291,572.77
	Difference	1,401,512.05		1,859,763.42	(458,251.37)

Electric Fund		16-17	% of Budget	15-16	Difference
Fund 63	Revenues	3,531,288.07	45.24%	3,432,817.18	98,470.89
	Personal Services	182,817.38		215,118.16	(32,300.78)
	Supplies & Materials	13,372.28		28,474.22	(15,101.94)
	Current Obligations	2,467,029.68		2,392,235.48	74,794.20
	Fixed Charges	18,156.24		47,936.19	(29,779.95)
	Capital Outlay	39,773.39		5,184.00	34,589.39
	Contracts/Grants	-		-	-
	Inv., Interfund	10,822.90		10,822.90	-
	Expenses	2,731,971.87	37.51%	2,699,770.95	32,200.92
	Difference	799,316.20		733,046.23	66,269.97

Overtime	80+ hours	125,191.00	132,634.00	(7,443.00)
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Personal Services	Salaries and Benefits
Supplies & Materials	Supplies, Materials, Uniforms, Gas
Current Obligations	Building Maint, Repairs, Phone, Data, Travel
Fixed Charges	Insurance, Safety
Capital Outlay	Equipment, Vehicles, Construction
Contracts, Grants	Donations, Airport, 911, Animal, Fireworks,
Debt Service	Drug Enforcement, Contracted Services
	Bonds and Loans Payments

REGULAR MEETING - JANUARY 5, 2017

CONSIDERATION OF FRIDAY, MARCH 17TH, 2017 FOR PLANNING

RETREAT:

Steve Zickefoose, City Manager, recommended that Council consider Friday, March 17th for the City's annual Planning/Budget Retreat. One Council member had a conflict with this date.

After some discussion, Councilman Eaddy made the motion unanimously approved to hold the retreat on Wednesday, March 22nd beginning at 8:00 am. Mr. Zickefoose noted that this year's retreat would only require one day. The City Clerk will advertise the meeting accordingly.

PUBLIC COMMENT:

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

CLOSED SESSION:

Councilman Eaddy made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.11 (a)(1)(5) to discuss property acquisition.

Councilman Eaddy made the motion unanimously approved to return to regular session. Mayor Hatley stated that no action was taken during the closed session.

NEWS MEDIA:

Steve Payseur of the Lincoln Herald had a question for City Manager Steve Zickefoose regarding the 10% increase in sales tax revenue that Mr. Zickefoose discussed during his monthly financial report.

ADJOURNMENT:

Councilman Black made the motion unanimously approved to adjourn.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

4

Lincolnton-Lincoln County Airport

Proposal for a Fair and Equitable Airport Funding Agreement between the City of Lincolnton and Lincoln County

(Both entities agreed that a joint funding agreement would be reached before the city relinquished control of any additional property as part of the surrendering of property for industrial development-"Project Z")

Rationale

Lincolnton and Lincoln County have been joint partners in the development and growth of the airport since its beginnings in the mid 1980's. Throughout this time both parties have contributed equally to the costs for the operation and expansion of the facility including the special appropriation of \$150,000 for the establishment of an all-weather instrument landing system. These mutual and equal investments have resulted in the building of the airstrip, hangers, terminal building, support facilities, and property available for industrial development. At the initial establishment of the now expired funding formula the focus was on shared expenses with no regard to income. Recent developments indicate that the airport is now becoming a revenue generator. Since the airport was developed by joint investments by both the city and county, and the city owns 50% of developed and undeveloped property at the site the revenues generated by the airport should be shared equally by the investors that made this revenue stream possible. The county's efforts to finance facilities and develop property should be reflected in any funding agreement. The current system for the division of operating costs should be continued with the agreement for dispersing earned tax revenues enumerated below.

Article 1: Aircraft and Facilities

Since the development of the runway, hangers, terminal building and support facilities directly affects the attraction of aircraft and were developed by equal investments by the city and county, all tax revenues generated by these facilities should be equally shared by both entities under the following guidelines: 1) Tax revenues from all aircraft, regardless of where they are stationed, will be shared equally between the city and county; 2) Tax revenues from all existing facilities as of the adoption date of this agreement will be shared equally between the city and county; 3) generally, all tax revenues generated from development on the

east side of Jack Dellinger Road (at its location at the time of adoption of this agreement) will be shared equally between the city and county.

Article 2: Property/Industrial Park

While the city and county invested equally in the property located on the west side of Jack Dellinger Road (at its location at the time of this agreement) the county is investing heavily in the development of this property for an industrial park. The city shall cooperate in the development of this property. The county will receive 90% of the tax revenue generated by this development and the city will receive 10% of said revenue until the financing for this development is paid off or refinanced. After that time the tax revenues will be divided with the city receiving 40% and the county receiving 60%.

Article 3: Exceptions

There are 2 exceptions to Article 1: 1) the tax revenue generated by the project z facility. The county's investment in this facility is beyond the traditional equal investment made by the city and county, therefore, 80% of tax revenues generated by this facility will go to the county and 20% to the city. If ownership of this facility changes then tax revenues from all subsequent owners will be divided consistently with other facilities in Article 1. 2) Any hanger built by the county with financing of such construction dependent on the specific tax revenues generated by a specifically named aircraft(s) to be housed in that hanger will have 100% of those tax revenues paid to the county until such time as the financing is paid off or refinanced. After that time the tax revenues from the aircraft(s) will be divided consist with provisions of Article 1.

Article 4: Terms

The terms of this agreement will remain in place until such time as both the city and county vote to terminate this agreement after a public hearing is held on this issue. Modifications of any article or portion of an article may only be made by action approved by both the city and county.

ITEM #

5

MEMO TO: Donna Flowers, City Clerk

FROM: Mark Carpenter, Zoning Administrator

SUBJECT: Revised Zoning Map

DATE: February 2, 2017

REVISED ZONING MAP AS OF 2/2/2017

The Following rezonings have taken place since the last approved zoning map on April 7, 2016:

- ZMA-3-2016 – Goodsonville Properties, Rezoned to General Business-East Main Street
- ZMA-4-2016- HA of Newton LLC Rezoned to General Business- Ross Street
- ZMA-5-2016- Javier Brito, Rezoned to Neighborhood Business- North Aspen Street
- ZMA-6-2016- New Vision Ministries, Rezoned to Residential-Office- Clarks Creek Drive

The new zoning map represents these changes.

ITEM #

6

MEMO TO: Steve Zickefoose
Donna Flowers

FROM: Laura Elam

SUBJECT: Agenda Packet for the February 2017 City Council Meeting

DATE: January 24, 2017

CALLS TO PUBLIC HEARING

There is one call to hearing for the February meeting as follows:

- Amendment to City of Lincoln City Code to add a new Section 150.100, Minimum Nonresidential Standards, in order to establish minimum standards for maintenance of commercial buildings

ITEM #

7

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

SUBJECT: CUP-1-17- Application from Seven Eagles Building Group requesting the renewal of a conditional use permit to construct a 33-unit condominium complex on 5.25 acres in the CU-RMF district

DATE: February 2, 2017

BACKGROUND

A conditional use permit was approved in 2006 for development of a 33 unit condominium complex on an approximately 5.25 acre site at the Lincolnton Country Club. The property is located approximately 650 feet north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the existing driving range facility. (See attached site plan and GIS Maps)

The Lincolnton Unified Development Ordinance states that the applicant for a conditional use permit has a period of twenty-four (24) months from the date of the issuance of the conditional use permit to secure a building permit for the development. If the applicant fails to obtain a building permit within the time allowed, the Zoning Administrator is to notify the applicant of such finding, and within sixty (60) days, the Planning Board shall make a recommendation concerning rescinding or extending the conditional use permit to the City Council. The City Council, after having conducted a public hearing to consider the matter, may extend the life of the conditional use permit for a specified period of time.

This permit has been renewed several times since the original approval in 2006.

ACTIONS BY APPLICANT SINCE RENEWAL IN 2014

Since the renewal of the conditional use permit in 2014, the current owner, Seven Eagles Building Group, has not obtained a building permit.

Seven Eagles Building Group is interested in pursuing the development of the site but needs more time and would like to extend the conditional use permit an additional two years.

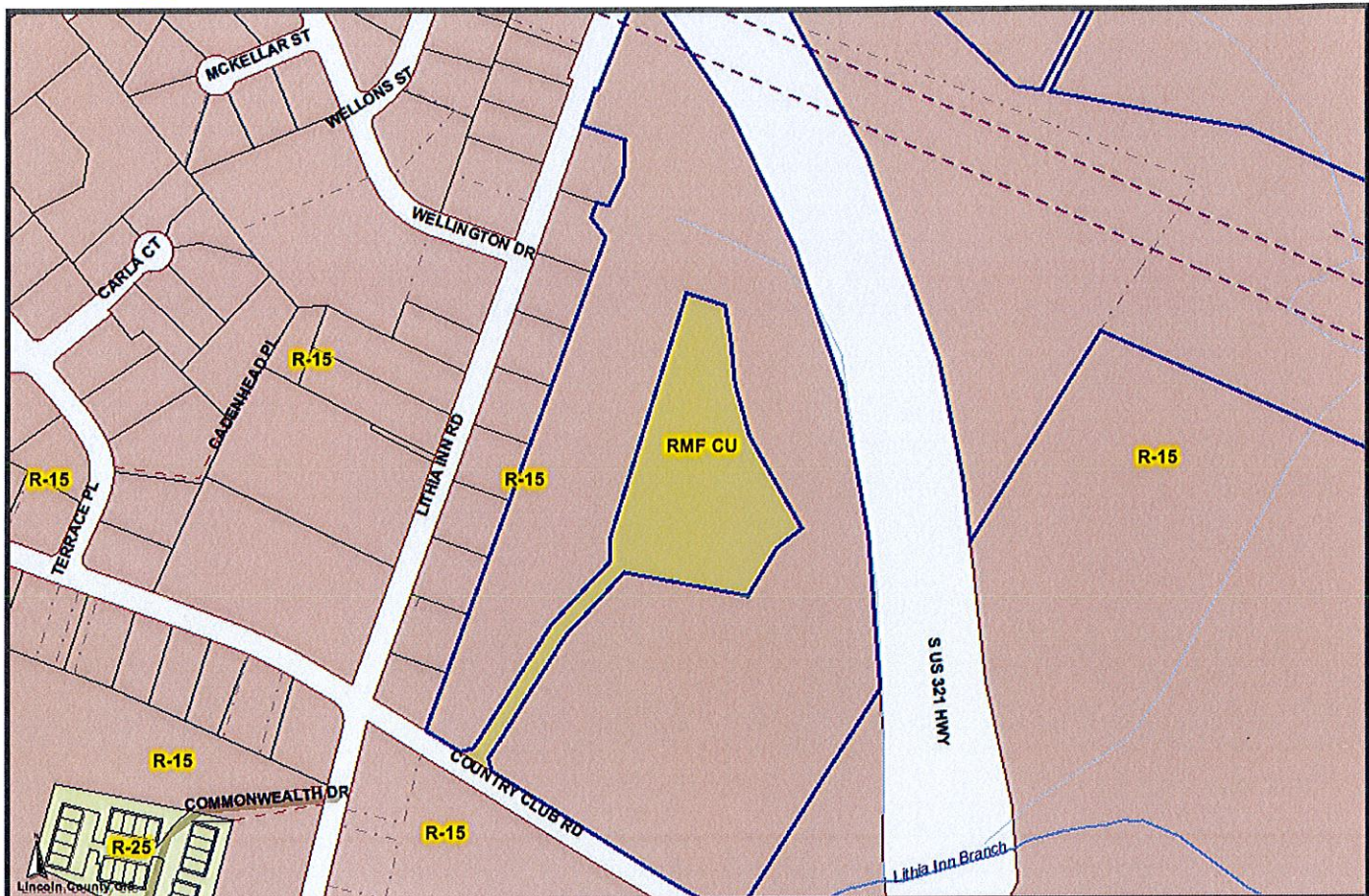
PLANNING BOARD AND STAFF RECOMMENDATION

The applicant is not asking for any changes to the permit or the conditions attached to it by the City Council when it was approved originally on July 13, 2006. Planning Board and Staff recommend that the permit be extended for a period of two (2) years.



Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
 Date: 1/18/2017 Scale: 1 Inch = 467 Feet



PHOTOS



Photo Not Available

PARCEL INFORMATION FOR 3633-81-3854

Parcel ID	86678	Owner	SEVEN EAGLES BUILDING GROUP LLC	
Map	3633-20	Mailing Address	7804 FAIRVIEW RD PMB 327 CHARLOTTE NC 28226	
Account	0250485	Address	CHARLOTTE NC 28226	
Deed	2433-0261	Recorded	12/10/2013	Sale Price \$165,000
Land Value	\$283,878	Total Value	\$283,878	Previous Parcel 900563
----- All values are for tax year 2016. -----				
Subdivision	Lot PARCEL A LINCOLN COUNTRY CLUB PROP			Plat 14-190
Description	A PARCEL LINCOLN COUNTRY			Deed Acres 5.26
Address	COUNTRY CLUB RD			Tax Acres 5.25
Township	LINCOLNTON			CITY OF LINCOLNTON
Improvement	No Improvements			
Zoning	Calculated	Voting Precinct	Calculated Acres	
District	Acres	LITHIA (LI14)	5.26	
RMF CU	5.26			
Watershed Class		Sewer District		
WS-IVP	5.26	Not in the sewer district	5.26	
2000 Census County		Tract	Block	
37109		070300	1015	0.03
37109		070300	1016	5.23
Flood	Zone Description	Panel		
X	NO FLOOD HAZARD	3710363300	5.26	



Map Features

- Road Easement
- Conflict Line
- Major Rivers, Creeks (cont)

- Creeks
- Interior Lot Line
- Drainage Easement
- Utility Easement

Right-of-Ways

- Roads
- Railroads
- Public Walkway

Parcels

- Private Roads
- 2015 State Ortho

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. Lincoln County, NC Office of the Tax Administrator, GIS Division



Google Earth

feet
meters

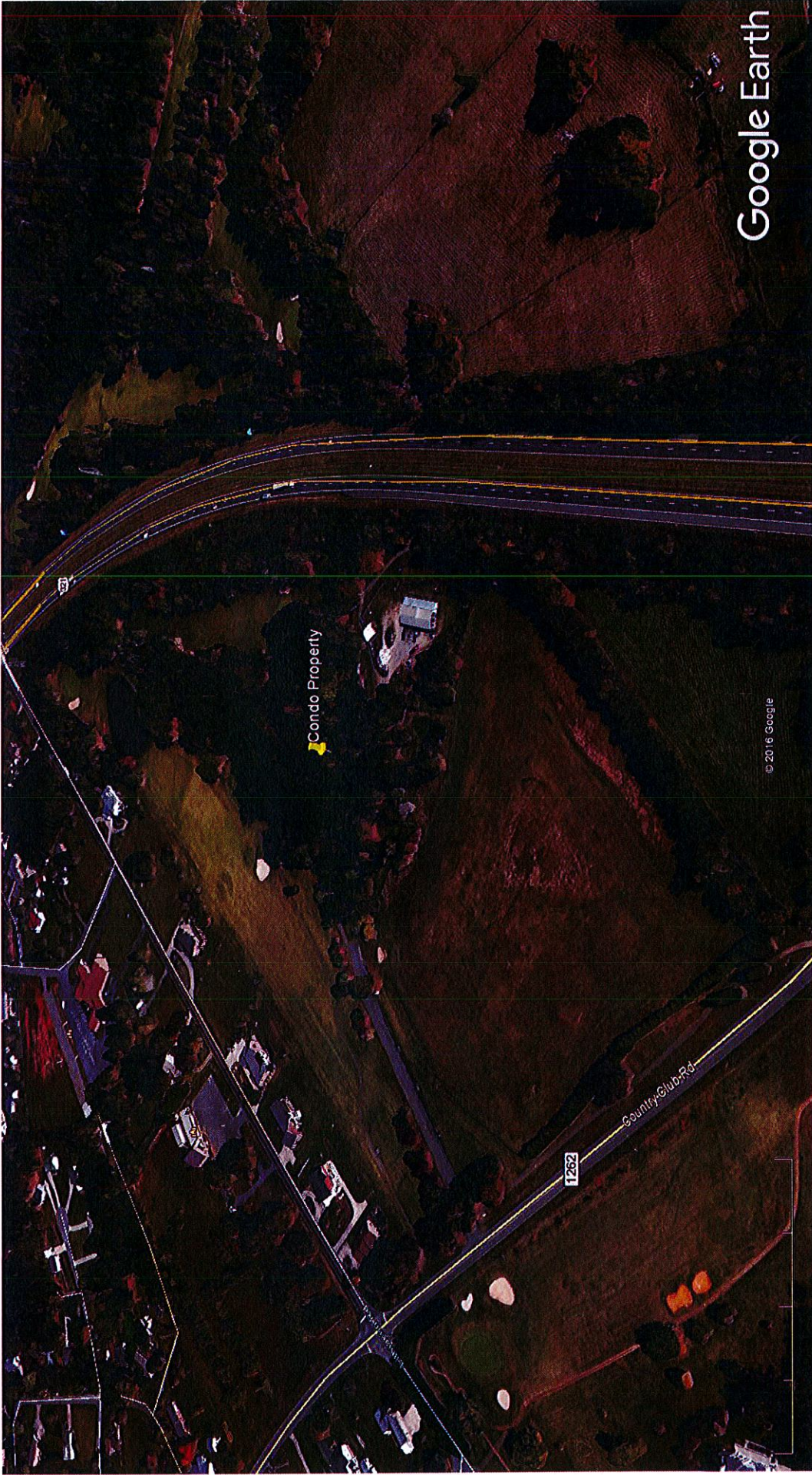
10

5



Google Earth

© 2016 Google
© 2017 Google



Google Earth

feet
meters

1000
300



ITEM #

8

CITY OF LINCOLNTON

CITY COUNCIL
Ed L. Hatley, Mayor
Martin A. Eaddy, Mayor Pro-Tem
David M. Black
Roby D. Jetton
Tim Smith



CITY MANAGER
Steve Zickefoose, MBA
szickefoose@lincolntonnc.org
CITY CLERK
Donna C. Flowers, MMC, NCCMC
donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr.

PUBLIC HEARING

Notice is hereby given that the Mayor and City Council will hold a Public Hearing on Thursday, February 2, 2017 at 7:00 p.m. in the Council Chambers of City Hall, located at 14 West Sycamore Street to consider amending the City's Code of Ordinances as follows:

TITLE VII – Traffic Code Chapter 74 TRAFFIC SCHEDULES

SCHEDULE VII. ADD: Hoke Street - entire length of the street from Flint Street to the dead-end portion past Cedar Street , - reduce speed limit from 35 mph to 25 mph

Parties in interest and citizens shall have the opportunity to be heard and may obtain further information of the hearing from the office of the City Clerk, located at City Hall, 114 West Sycamore Street, Monday through Friday from 8:30 am until 5:00 p.m.

**Advertise (2tl): Wednesday, January 18, 2017
Wednesday, January 25, 2017**

ITEM #

9

CITY OF LINCOLNTON

Brent H. Smith
Assistant Fire Chief



FIRE
DEPARTMENT

P.O. BOX 617-116 WEST SYCAMORE STREET • TELEPHONE 704.736.8920 • FACSIMILE 704.736.8929
LINCOLNTON, NORTH CAROLINA 28093-0617

To: Donna Flowers

From: Brent H. Smith, Assistant Fire Chief

Re: Wayne Houser Recognition

Date: January 27, 2017

Donna,

The Lincolnton Fire Department would like to recognize Wayne "Humpy" Houser for 22 years of dedicated service to the Citizens of Lincolnton and the Lincolnton Fire Department as a Volunteer Firefighter. Wayne has completed hundreds of hours of training and responded to numerous calls where he was always an asset. Congratulations Wayne on this achievement and thanks again for your dedicated service to the Citizens of Lincolnton and Lincoln County.

ITEM #

10

***NO BACKUP
NECESSARY
FOR THIS ITEM***

ITEM #

11

COPY

ORDINANCE TO AMEND CHAPTER 26, SECTION 26-22
OF THE CITY OF GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO STREETS AND SIDEWALKS – PUBLIC SPEECH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Section 26-22 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 26-22. - ~~Permits for conducting public meetings~~Public meetings on streets and sidewalks; prohibited areas designated.

~~It shall be unlawful to conduct any public meeting or deliver any address on any street or sidewalk of the city without first obtaining a permit from the city manager. Application for a permit to conduct any public meeting or to deliver any address on any street or sidewalk of the city shall be in writing and filed with the city clerk. Any permit authorized by the city manager shall be subject to the following conditions:~~

An individual may conduct a public meeting or deliver an address on a street or sidewalk of the city subject to the following conditions to ensure safety:

- (1) That the speaker ~~locate himself~~ is located a minimum of fifty (50) feet away from a street corner.
- (2) That the speaker not interfere with the orderly movement of vehicular and pedestrian traffic.
- (3) That the speaker not become so loud in his or her speech nor violent in his or her movements as to annoy or frighten persons using the streets or sidewalks.
- (4) ~~That the permit shall be issued and be valid for a period of two (2) years from the granting thereof.~~

Section 2. That this ordinance shall become effective upon adoption.

ORDINANCE TO AMEND SECTION 20-72
OF THE GREENSBORO CODE OF ORDINANCES
BUSINESS PERMITS FOR PANHANDLERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Section 20-72 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 20-72. – Business permit required.

* * * *

- (c) A person is not eligible for a panhandler business permit or renewal of a panhandler business permit if:
- (1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter within a period of five (5) years preceding the application for permit;
 - (2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses within a period of five (5) years preceding the application for permit where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence which in North Carolina is classified for sentencing purposes as a class E felony or below, including a misdemeanor, or constitutes an offense in another jurisdiction which is a substantially equivalent offense to a class E felony or below, including a misdemeanor, in North Carolina; or
 - (3) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses within a period of ten (10) years preceding the application for permit where the offense(s) involved an assault, communicating a threat, any sexual offense or abuse involving a minor, any offense to be determined to be a sexually violent offense, illegal use of a weapon or other act of violence or attempted violence which are classified for sentencing purposes as a class D felony or above in North Carolina or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to a class D felony or above in North Carolina; or
 - (4) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses of homicide under G.S. § 14-17 or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to homicide under G.S. § 14-17, within a period of twenty (20) years preceding the application for permit; or
 - (5) The person otherwise does not qualify for a business permit in accordance with this chapter.

* * * *

Section 2. That this ordinance shall become effective upon adoption.

ORDINANCE TO AMEND SECTIONS 13-202 AND 13-203
OF THE GREENSBORO CODE OF ORDINANCES
BUSINESS PERMITS FOR SOLICITORS AND STREET PERFORMERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Section 13-202 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 13-202. – Solicitors.

* * * *

(d) Every person who solicits or sells door to door at private residences shall submit an application for a business permit and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. A person is not eligible for this business permit or renewal of this business permit if within the most recent ~~five~~ten-year period:

- (1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter;
- (2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of ~~two (2)~~ one (1) or more offenses under the law of any jurisdiction which involve either misdemeanor or felony assault, communicating threats, any sexual offense or abuse involving a minor, any offense determined to be a sexually violent offense, or illegal use of weapons.

* * * *

Section 2. Section 13-203 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 13-203. – Street performers.

* * * *

(c) Permit required; procedure for issuance.

- (1) Every person engaged in conducting an individual street performance shall first submit an application for a business permit permitting such activity to the city manager or his designee. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street performances as permitted herein.
- (2) Where a group of people seek to conduct a street performance, one (1) member of the group shall submit an application for a business permit permitting such activity to the city manager or his designee which names. Upon determination of eligibility by the chief of police, the person shall be issued a business permit to conduct street

performances as permitted herein. The business permit issued hereunder shall be the property of the person named in the application and shall be revocable for any violation of this section by any person permitted to conduct street performances under said permit. The applicant shall be required to be present with his or her permit at all times while any person permitted under the permit is engaged in a street performance.

- (3) Before any business permit shall be issued under this section, the applicant shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant and other performers. Where a group of people seek to conduct a street performance, each member of the group who may participate in a street performance shall submit to a criminal background history check as required herein. No applicant shall be eligible for issuance or renewal of a business permit under this section if the applicant or any member of a group applying for a permit has been convicted of ~~two (2)~~ one (1) or more offenses within a period of ~~five (5)~~ ten (10) years preceding the application where each offense involved an assault, communicating a threat, any sexual offense or abuse involving a minor, any offense determined to be a sexually violent offense, illegal use of a weapon or other act of violence or attempted violence.
- (4) Every street performer shall keep on their person the business permit issued hereunder during any street performance, and shall produce same upon request of any city official.

* * * *

Section 3. That this ordinance shall become effective upon adoption.

ITEM #

12

February 2017 Council Meeting
Executive Summary
December 2016 Year-To-Date

General Fund		16-17	% of Budget	15-16	Difference
Fund 10	Revenues	5,570,010.81	46.30%	5,336,608.15	233,402.66
	Personal Services	3,768,477.63		4,040,478.84	(272,001.21)
	Supplies & Materials	197,643.78		162,548.74	35,095.04
	Current Obligations	287,594.83		246,284.86	41,309.97
	Fixed Charges	(901,615.36)		(861,468.37)	(40,146.99)
	Capital Outlay	554,404.94		347,710.66	206,694.28
	Contracts/Grants	339,190.38		287,550.17	51,640.21
	Debt Service	31,395.62		8,705.62	22,690.00
	Expenses	4,277,091.82	43.27%	4,231,810.52	45,281.30
	Difference	1,292,918.99		1,104,797.63	188,121.36

Water & Sewer Fund		16-17	% of Budget	15-16	Difference
Fund 61	Revenues	4,300,890.69	48.57%	4,567,151.24	(266,260.55)
	Personal Services	893,676.36		954,283.00	(60,606.64)
	Supplies & Materials	210,488.32		225,193.81	(14,705.49)
	Current Obligations	290,521.83		264,550.63	25,971.20
	Fixed Charges	774,730.37		829,291.46	(54,561.09)
	Capital Outlay	677,443.49		158,114.47	519,329.02
	Contracts/Grants	113,763.13		110,670.77	3,092.36
	Debt Service	135,573.86		160,730.52	(25,156.66)
	Inv., Interfund	189,547.98		189,547.98	-
	Expenses	3,285,745.34	46.81%	2,892,382.64	393,362.70
	Difference	1,015,145.35		1,674,768.60	(659,623.25)

Electric Fund		16-17	% of Budget	15-16	Difference
Fund 63	Revenues	4,051,230.43	51.91%	3,959,929.31	91,301.12
	Personal Services	215,801.85		249,991.03	(34,189.18)
	Supplies & Materials	15,230.30		37,433.87	(22,203.57)
	Current Obligations	2,900,404.92		2,827,786.62	72,618.30
	Fixed Charges	507,504.46		523,159.35	(15,654.89)
	Capital Outlay	39,773.39		35,274.00	4,499.39
	Contracts/Grants	-		-	-
	Inv., Interfund	12,987.48		12,987.48	-
	Expenses	3,691,702.40	49.56%	3,686,632.35	5,070.05
	Difference	359,528.03		273,296.96	86,231.07

Overtime 80+ hours 140,856.00 162,207.00 (21,351.00)

Personal Services	Salaries and Benefits
Supplies & Materials	Supplies, Materials, Uniforms, Gas
Current Obligations	Building Maint, Repairs, Phone, Data, Travel
Fixed Charges	Insurance, Safety
Capital Outlay	Equipment, Vehicles, Construction
Contracts, Grants	Donations, Airport, 911, Animal, Fireworks, Drug Enforcement, Contracted Services
Debt Service	Bonds and Loans Payments

**CLOSED
SESSION**