A G E N D A

LINCOLNTON CITY COUNCIL

April 6, 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

LINCOLNTON CITY COUNCIL

April 6, 2017

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. **Approval of REGULAR AGENDA**

2. **Approval of <u>CONSENT AGENDA</u>**
   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 the following minutes:**
   March 2, 2017 - Regular Meeting
   March 22, 2017 - Special Meeting

4. **Revisions to City's Personnel Policy – Article V – Section 12 – Use of City Owned Equipment**

5. **Revisions to the List of Budgeted Positions –**
   a. **Elimination of Public Works Superintendent position**
   b. **Reclassification of Public Utilities Director to Public Works & Electric Utilities Director**
   c. **Reclassification of Water Treatment Plant Superintendent to Water Resources Director**

6. **Recommendation to Piggy Back with Lincoln County – Approved On Call Engineering Services – Water and Wastewater**

7. **PROCLAMATIONS:**
   Small Business Week – April 30 – May 6, 2017
   Older Americans Month – May 2017

CONSENT AGENDA:

8. **Calls to Public Hearing for the May 4th City Council meeting:**
   - **CU-ZMA-2-2017- Application from Piedmont Companies requesting the conditional use rezoning of 0.93 acres of land from Residential-Office (R-O) To Conditional Use-Central Business (CU-CB) District. The conditional use permit would allow for the construction of a 13 unit Townhome (Multi-Family Dwelling) complex. The subject property is located at the northwest corner of North Aspen Street and West Pine Street. (Parcel ID 21017).**
   - **ZMA-1-2017- Application from Bobby G. Humphrey requesting the rezoning of approximately 2.91 acres of land from Residential-15 and 25 (R-15 & R-25) to the Residential-8 (R-8) District. The subject properties are located on the north side of Highland Drive approximately 150 feet west of the intersection of Highland Drive and Periwinkle Street. The address is 330 Highland Drive (Parcel ID 22598 and 72742).**

REGULAR AGENDA:

PUBLIC HEARINGS

9. **BIG-05-2017 – Application from Anderson Properties for Business Incentive Grant for exterior building renovations at 1202 East Main Street**

   Laura Elam, Planning Director

10. **CU-ZMA-1-2017 – Application from the BTR Communities Group, LLC requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use-Residential-Office (CU-RO) District. The conditional use permit would allow for the construction of a 48 unit Planned Residential Multi-Family Development. The subject property is located on East Main Street (Formerly 2480/2490 East Main Street) and Ross Street (Parcel ID 00448, 90927,90928, 90929).**

    The applicant withdrew the application after the hearing was advertised. In accordance with Open Meetings Law, we open the hearing and state that the applicant withdrew the request.

    Laura Elam, Planning Director

PUBLIC HEARINGS

O-05-2017

11. ZTA-1-2017 – Application from the Downtown Steering Committee to revise the permitted uses in the CB District by allowing automobile service stations, bail bond services, check cashing establishments, churches, Financial Institutions, and pawn shops as conditional uses rather than permitted uses.

Laura Elam, Planning Director

O-06-2017

12. ZTA-2-2017 – Application from Natalie Ridge and Will Fox requesting a text amendment to the Unified Development Ordinance (Section 153.106) The proposed text amendment would allow for Open-Air Venue/Outdoor Venue as a conditional use in the R-15 and R-10 zoning districts.

Laura Elam, Planning Director

O-07-2017

13. Proposed amendments to the City's Code of Ordinances – Title VII. Traffic Code – Chapter 75 – Parking Schedules. There are proposed amendments to the following sections: Schedule 1 – Parking Prohibited at all times. Schedule II – Parking Prohibited from 1 am to 6 pm. Schedule III – Parking Limited to Two Hours or as designated in parking schedule. Schedule IV – Parking at Courtsquare. Schedule VI – Diagonal Parking

Steve Zickefoose, City Manager

PRESENTATION

14. Recognition of the 2016-17 Lincolnton Student Advisory Council

Jill S. Eaddy, Advisor

BUDGET AMENDMENT

(BA-01-17)

15. Budget Amendment affecting the Powell Bill Fund, the Water & Sewer Fund and the Fund Balance

Steve Zickefoose, City Manager

POLICY
(P-01-17)

16. Consideration of changes to the Business Incentive Grant (BIG) Policy; separating the Façade Grant and Architectural Grant from the Business Incentive Grant

Laura Elam, Planning Director

OTHER BUSINESS

17. Consider setting the filing fees for the 2017 Municipal Election

Donna Flowers, City Clerk

18. Update on East Main Street and Generals Blvd Intersection Project

Steve Zickefoose, City Manager

19. Monthly Financial Report & Overtime Report

Steve Zickefoose, Interim 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

NEWS MEDIA

ADJOURNMENT

ITEM

1

APPROVAL

OF

REGULAR

AGENDA

ITEM

2

APPROVAL

OF

CONSENT

AGENDA

ITEM

3

REGULAR MEETING - MARCH 2, 2017

The Mayor and City Council met in regular session on Thursday, March 2, 2017 at 7:00 pm in the Council Chambers of City Hall located at 114 West Sycamore Street Lincolnton, North Carolina.

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

SMITH BLACK EADDY JETTON

Councilman Black made the motion unanimously approved to amend the ***REGULAR AGENDA*** moving the presentation from the NC Department of Labor, Ms. Cherie Berry, as the first item of business on the agenda.

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

- Approved the minutes of the regular meeting held February 2, 2017

- Approved the following Calls to Public Hearing for the April 6th City Council meeting:
- CUZMA-1-2017 – Application from The BTR Communities Group, LLC requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use-Residential-Office District. The conditional use permit would allow for the construction of a 48 unit Planned Residential Multi-Family Development. The subject property is located on East Main Street (formerly 2480/2490 East Main Street) and Ross Street (Parcel ID 00448, 90927, 90928, 90929)
- ZTA-1-2017 – Application from the Downtown Steering Committee to revise the permitted uses in the CB District by allowing automobile service stations, bail bond services, check cashing establishments, churches, Financial Institutions, and pawn shops as conditional uses rather than permitted uses.
- ZTA-2-2017 – Application from Natalie Ridge and Will Fox requesting a text amendment to the Unified Development Ordinance (Section 153.106). The proposed text amendment would allow for Open-Air Venue/Outdoor Venue as a Conditional Use in the R-15 and R-10 zoning districts.

REGULAR AGENDA:

PRESENTATION FROM THE COMMISSIONER OF THE NC DEPARTMENT OF LABOR (OSHA DIVISION) TO THE CITY'S DISTRIBUTION AND COLLECTIONS DEPARTMENT – SAFETY, HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP AWARD)

Debbie Rogers-Lowery, Safety Consultant from Compliance Training Associates gave an overview of the requirements for receiving this award and introduced Ms. Cherie Berry, Commissioner of the NC Department of Labor, who presented the award to the Distribution and Collections Department employees.

Ms. Roger-Lowery, told Council members that the Distribution and Collections Department, comprised of 12 employees, maintains 350 miles of waterline and 225 miles of sewer line. They also check daily 20 sewer pump stations. She commended this department for the great job they do with only a department of twelve people. She explained this designation is awarded to Public Sector employers who are successful in protecting employees from death, injury and illness by implementing comprehensive and effective safety and health programs. Of fifty sites considered for the SHARP Award, only ten departments that are Distribution and Collections.

Ms. Cherie Berry then spoke praising the City's Distribution and Collections Department for receipt of this award. She called all department members present forward, along with Steve Peeler Director of Public Works, to receive the award. Mayor and Council thanked the Distribution and Collections Department for their hard work and dedication to receive this award for the City.

PROPOSED AMENDMENT TO THE CITY'S CODE OF ORDINANCES AS FOLLOWS: TITLE XV. LAND USAGE – CHAPTER 150. BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES *ADD:* SECTION 150.100 – MINIMUM NONRESIDENTIAL STANDARDS, IN ORDER TO ESTABLISH MINIMUM STANDARDS FOR MAINTENANCE OF COMMERCIAL BUILDINGS:

(O-03-17)

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from the planning department, explaining that at the City's 2016 budget retreat Council requested that the Planning Staff research and propose a Commercial Maintenance Code. The proposed amendment would establish minimum standards for maintenance and sanitation of commercial

properties based on specific state enabling legislation. The proposed amendment was presented as follows:

An Ordinance to Amend the City of Lincolnton
Code of Ordinances to Establish
Minimum Nonresidential Building Standards

Section 1. Add new Section 150.100, Minimum Nonresidential Building Standards, to read as follows:

MINIMUM NONRESIDENTIAL BUILDING STANDARDS

150.100 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, and shall apply in the interpretation and enforcement of this article:

Basic structural elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Building means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, chattels or property of any kind or any part of such structure, shelter or property.

Code enforcement officer shall mean a code enforcement officer of the City of Lincolnton or any agent of the code enforcement officer who is authorized by the code enforcement officer to enforce the provisions of this article.

Nonresidential means any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one (1) or more human beings, either permanently or transiently.

Occupant shall mean any person who is a tenant or has actual possession of a nonresidential building or structure or part thereof.

Operator shall mean any person who has charge, care, or control of a nonresidential building or structure, or part thereof.

Owner shall mean any person who alone, or jointly, or severally with others:

(1) Shall have title in fee simple to any nonresidential building or structure, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administration, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Parties in interest means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Premises means any lot or parcel of land inclusive of any building or improvements located thereon.

Safe means a condition which is not likely to do harm to humans or to real or personal property.

Structure means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.

Structurally sound means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

Unsafe means a condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

Vacant manufacturing facility means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one (1) year and has not been converted to another use.

Vacant industrial warehouse means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one (1) year and has not been converted to another use.

150.101 Purpose.

In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this article to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as

expressly authorized by North Carolina General Statute 160A-439. This article provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

150.102 Applicability and compliance.

(A)The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the city.
Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure, equipment or facilities contained therein.

105.103 Maintenance standards for nonresidential buildings and structures.

All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety, and welfare of occupants or members of the general public. Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety and welfare for which a public necessity exists for the repair, closing, or demolition of such building or structure and must be corrected in accordance with the provisions of this article:

(A) Exterior walls that are not structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, such wall must have all doors, windows, vents, or other similar openings closed with material of the type comprising the wall. The exposed wall shall be painted, stuccoed or bricked and sufficiently weatherproofed to prevent deterioration of the wall.

(B) Roofs shall be kept structurally sound and shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior of the building

(C) Such damage by fire, wind, or other causes as to render the building unsafe.

(D) Dilapidation, decay, unsanitary conditions, or disrepair, which is dangerous to the health and safety of the occupants or members of the general public.

(E) Buildings and structures including their environs that have accumulations of garbage, trash, or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner.

(F) Buildings and structures that have loose and insufficiently anchored overhanging objects, which constitute a danger of falling on persons or property.

(G) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions.

(H) Buildings and structures that have objects and elements protruding from building walls or roofs, which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.

(I) Exterior porches, landings, balconies, stairs, or fire escapes which are not structurally sound. All exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept sound, in good repair, and free of defects.

(J) Windows containing broken or cracked glass that could be in danger of falling or shattering.

(K) All openings originally designed as windows, doors, loading docks, or other means of egress or ingress which have been temporarily closed by boarding or other manner in a nonsecure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion, and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals, or birds.

(L) Any combination of conditions which in the judgment of the code enforcement officer renders any building or structure dangerous or injurious to the health, safety, or general welfare of occupants or members of the general public.

105.104 Duties of the enforcement officer.

The code enforcement officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the code enforcement officer:

(A)To investigate the conditions of nonresidential buildings and structures in the city and to inspect nonresidential buildings and structures located in the city in order to determine which nonresidential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized and for the purpose of carrying out the objectives of this article with respect to such nonresidential buildings and structures;

(B)To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this article;

(C)To keep a record of the results of inspections made under this article and an inventory of those non-residential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this article;

(D) To perform such other duties as may be herein prescribed.

105.105 Powers of the enforcement officer.

The code enforcement officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

(A)To investigate nonresidential buildings and structures in the city to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized;

(B)To administer oaths and affirmations, examine witnesses and receive evidence;

(C)To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and

(D)To appoint and fix duties of such officers, agents, and employees as the code enforcement officer deems necessary to carry out the purposes of this article.

105.106 Inspections.

For the purpose of making inspections, the code enforcement officer is hereby authorized to enter, examine, and survey at all reasonable times, nonresidential buildings and structures. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

150.107 Procedure for Enforcement

(A)Preliminary investigation. Whenever it appears to the code enforcement officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this article, the code enforcement officer shall undertake a preliminary investigation.

(B)Complaint and hearing. If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the code enforcement officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the code enforcement officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement officer.

(A)Procedure after hearing.

(1) If, after notice and hearing, the code enforcement officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this article, the code enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of said determination.

(2) If, after notice and hearing, the code enforcement officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, the code enforcement officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of

Subsection (C)(3) and (C)(4) of this section and subject to the limitations set forth in Sections 150.108 and 150.109.

(3) If the code enforcement officer determines that the cost of repair, alteration, or improvement of the building or structure would not exceed fifty (50) percent of its then-current value, then the code enforcement officer shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either (i) repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by this article or (ii) vacate and close the nonresidential building or structure for any use.

(4) If the code enforcement officer determines that the cost of repair, alteration, or improvement of the building or structure would exceed fifty (50) percent of its then-current value, then the code enforcement officer shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either (i) repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article or (ii) remove or demolish the nonresidential building or structure.

(D)*Failure to comply with order and ordinances.*

(1) If the owner fails to comply with an order to either (i) repair, alter, or improve the nonresidential building or structure or (ii) vacate and close the nonresidential building or structure, City Council may adopt an ordinance ordering the code enforcement officer to cause such nonresidential building or structure to be repaired, altered, or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed. The property shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner(s) in the grantor index.

(2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, City Council may adopt an ordinance ordering the code enforcement officer to cause such nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the City Council. The property shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner(s) in the grantor index.

150.108 Limitations on orders and ordinances—Historic landmark or historic district.

Notwithstanding any other provision of this article, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the City Council determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the code enforcement officer pursuant to 150.107(C) and an ordinance approved by City Council pursuant to 150.107(D) may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this article.

150.109 Limitations on orders and ordinances—Vacant manufacturing facility or vacant industrial warehouse.

Notwithstanding any other provision of this article, an order issued by the code enforcement officer pursuant to 150.107 (C) and an ordinance approved by City Council pursuant to 150.107(D) may not require repairs, alterations, or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

150.110 Vacated and closed nonresidential buildings or structures.

(A) If the City Council has adopted an ordinance or the code enforcement officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two (2) years pursuant to the ordinance or order, then if the City Council finds that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the city in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal

activities, or would cause or contribute to blight and the deterioration of property values in the area, then City Council may, after the expiration of the two-year period, adopt an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or

(2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before City Council may take action under this section. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner in the grantor index.

(A)If the owner fails to comply with the requirements of the ordinance within ninety (90) days, the code enforcement officer shall demolish and remove the nonresidential building or structure.

150.111 Methods of service of complaints and orders.

(A)Complaints or orders issued by the code enforcement officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(B)If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement officer in the exercise of reasonable diligence, and the code enforcement officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having

general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

150.112 Interim action by the code enforcement officer.

After failure of an owner of a nonresidential building or structure to comply with an order of the code enforcement officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. 160A-439(f) and Section 150.107 (D)of this article, the code enforcement officer shall proceed to cause such nonresidential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The code enforcement officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a class 3 misdemeanor.

150.113 Costs, a lien on premises.

(A)As provided by G.S.160A-439(i), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the code enforcement officer pursuant to Section 150.107 (D) or Section 150.110 shall be a lien against the real property upon which such costs were incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the North Carolina General Statutes. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(B)If the nonresidential building or structure is removed or demolished by the code enforcement officer, the code enforcement officer shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the code enforcement officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled

thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

150.114 Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the code enforcement officer produces a certified copy of an ordinance adopted by the City Council pursuant to G.S. 160A-493(f) and Section 150.107 (D) to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least thirty (30) days before the filing of the summary ejectment proceeding, that the City Council has ordered the code enforcement officer to proceed to exercise his duties under G.S. 160A-493(f) and Section 150.107 (D) to vacate and close or remove and demolish the nonresidential building or structure.

150.115 Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the City of Lincolnton to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and Section 150.118 of this article and the enforcement of any remedy provided herein or in other ordinances or laws.

150.116 Appeals Process

(A)Within thirty (30) days following receipt of an order from the code enforcement officer any person receiving such order, believing that the literal application of the ordinance will cause undue hardship or has been misconstrued, wrongly interpreted or applied, may appeal in writing to the City of Lincolnton Board of Adjustment for such relief as may be granted, after investigation of the grounds thereof, by way of a reasonable extension of time or a variation from strict compliance with the provisions of this ordinance. The circumstances justifying such findings related to hardship are:

1) Inability to comply within the time period provided in this article due to clearly documented severe financial distress; or
2) The clear and significant non-availability of services or equipment with which to comply, without fault of the applicant; or
3) Other extenuating circumstances showing a good faith intention on the part of the applicant or another to comply when able to do so.

(B) Any person aggrieved by the decision of the Board of Adjustment may petition the Superior Court of Lincoln County for an injunction. Any such petition must be filed with Superior Court of Lincoln County within thirty (30) days from the date of the Board's decision.

150.117 Conflict with other provisions.

In the event any provision, standard or requirement of this article is found to be in conflict with any other ordinance or code of the city, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the city shall prevail.

150.118 Violations; penalty.

(A)It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the code enforcement officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to Section 150.107 (C) of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement, or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(A) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.

(B) In addition to or in lieu of the other remedies provided by this article, any owner of a nonresidential building or structure that fails to comply with an order of the code enforcement officer within the time specified therein, shall be subject to a civil penalty in accordance with Section 150.999 (C).

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

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

Councilman Eaddy made the motion unanimously approved to amend the City's Code as recommended.

APPLICATION FROM DR. DERRICK DENMAN FOR BUSINESS INCENTIVE GRANT FOR EXPANSION OF LINCOLN CHIROPRACTIC OFFICES LOCATED AT 108 NEWBOLD STREET:

BIG-04-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request from Dr. Derrick Denman for Business Incentive Grant monies in the amount of $ 5,000 to go toward the construction of additional office space to accommodate expansion of Lincoln Chiropractic office in order to allow room for a new chiropractic offices located at 108 Newbold Street. The total project cost for additional office space was estimated at $ 69,300.00.

Councilman Black made the motion unanimously approved to close the public hearing. Councilman Jetton made the motion unanimously approved to grant the funds as requested and recommended.

CONSIDERATION OF PROPOSED AMENDMENT TO THE CITY'S CODE OF ORDINANCES – TITLE IX – GENERAL REGULATIONS – CHAPTER 94 – PARADES AND DEMONSTRATIONS AND TITLE XI – BUSINESS REGULATIONS – ADDING CHAPTER 116 – STREET PERFORMERS; PERMITS REQUIRED

(o-04-17)

Mayor Hatley opened the Public Hearing. TJ Wilson, City Attorney, told those in attendance that at this time it is the City's intent to continue to enforce the ordinance currently in place, under Title XIII; Chapter 130 – General Offenses Against Public Peace and Safety. Increased Police presence at special events held in the downtown area will be noticeable.

The current ordinance reads as follows:
(A) The Chief of Police, or his designee, shall define an area within the city for the activities to be conducted and the duration of the activities. He or she shall have the authority to block streets to vehicular traffic, and control he conduct of participants and attendees of special events to the extent necessary to ensure public safety. The area defined, and the duration of activities shall be clearly marked on maps posted on the barricades erected to block vehicular traffic, and shall be published prior to the events in the publication having general circulation in the Lincolnton/Lincoln County area prior to the event.

(B) During the time and area so designated, the following activities shall be forbidden:
1. The movement of powered vehicles (except for public safety and public works/utilities vehicles or others as approved for short distance movement on festival grounds while accompanied by law enforcement.
2. Allowing animals not under the control of a competent person; animals not sufficiently near the owner or person in charge of the animal; not under his or her direct restraining control and disobedient to that person's commands; animal not restrained by chain, leash, harness or other means of physical control; provided however, police canines and service dogs trained to provide assistance to special persons for sight, hearing, mobility; and
3. Any conduct deemed to be disruptive or dangerous to participants or attendees of the special event.

(C) A violation of this section shall constitute a Class 2 misdemeanor unless it is alleged that the conduct was intentional or was carried out in a way that constituted willful or wanton disregard for the safety of the participants or attendees of he event, in which case it shall constitute a Class 1 misdemeanor.

Mayor Hatley and City Council felt that the citizens that were in attendance to speak to this matter should be heard as it was an advertised public hearing.

In light of the remarks from the City Attorney regarding the City's position on this topic, several that had originally signed to speak declined once called upon.
Wayne Howard spoke in favor of some type of control, that would not allow people to get in someone's face to express their opinion or share a message. He said, "I was actually hoping you might come up with something but I don't think it is necessary if everyone uses a little courtesy." He referenced an incident at last year's Apple Festival where individuals were going up and down the streets with a bullhorn shouting and frightening young children. He said, "When I ask them to tone it down a bit, the man shouted within six inches of my face, "You are going to hell.". Wayne said, " I did not appreciate it and I hope people attending these

events downtown in the future will use a little courtesy."

Carole Howell, Lincoln County Apple Festival Chair, also spoke in favor of some type of free expression area, which would not permit loud and in your face altercations. She said, "I am not against anyone's freedom of speech rights but I feel the City could help by building their ordinances to encumber provisions for special events".

Arthur Fisher, Edward Reese, Mike Scott, Scott Rapp, Alan Hoyle and Steve Widdows all expressed their concerns for violating the first amendment rights of citizens should any speech prohibitions be put into place through a ordinance or policy. Several of those speaking indicated they would stand ready to take legal action against the City if an amendment to the ordinance, restricting freedom of speech, was approved.

Mr. Jackson Leatherman also spoke asking the City, in whatever decision they make, to provide a place for preachers to preach. He said, "We are in a time that we need to tell people about Jesus and spread the Gospel."

This item generated much discussion. All those that spoke were given three minutes to express their thoughts on the matter.

Councilman Eaddy made the motion to close the Public Hearing.

Mayor Hatley said he appreciated everything that we have heard tonight.

Councilman Jetton said, "There is no one I admire more than a man preaching the word of God. We have heard both sides here tonight and there is one word that can settle this whole thing and that word is respect. I hope we will consider that and that everyone will have respect for others when attending these events."

Councilman Eaddy said, "The focus of this whole initiative has been on the safety of our citizens and those attending the events downtown. It has not been in any way to restrict speech. When you have 40,000 people downtown a small incident can get out of hand quickly. That's all this discussion was about was trying to allow our citizens to come to events and have fun and be safe. It never had anything to do with restricting speech and I think that is important for everybody to realize".

Mayor Hatley concluded comment saying he was talking with Alan Hoyle before the meeting tonight and he summed it up well; "If both parties respect each other and respect the rights of everyone, and treat everybody as brothers then I hope good common sense can come into play rather than anything else".

RESOLUTION HONORING THE UPCOMING RETIREMENT OF ROBERT S. BUFF III, PUBLIC WORKS SUPERINTENDENT:

(R-02-17)

Mayor Ed Hatley called on Rob Buff and his family to come forward. He recognized Rob's retirement by reading aloud a retirement resolution drafted in his honor.

Councilman Eaddy made the motion unanimously approved to adopt the resolution as follows:

WHEREAS, Robert S. Buff III, began employment with the City of Lincolnton on August 21, 1990 as a Sanitation Collector I in the Public Works Division. In 1993 he was promoted to Sanitation Equipment Operator II, then in 2000 he was named Solid Waste Supervisor, excelling in 2001 to his current position of Public Works Superintendent; and

WHEREAS, Robert S. Buff III, he has served as a member of the American Public Works Association (APWA); serving on the board of Directors since 2008 then as President of the Solid Waste Division of APWA in 2013. Through his membership to the American Public Works Association, North Carolina Division, he represented not only the City but North Carolina nationally. He has also served locally on the Apple Festival Board since 2004 and received the Main Street Civic Leadership Award in 2013; and

WHEREAS, Robert S. Buff III, has served the City well in the various capacities named above and should be commended for his service 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 **Robert S. Buff III,** honoring him on his upcoming retirement on April 1, 2017 and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

RESOLUTION OPPOSING HOUSE BILL 64 – MOVING MUNICIPAL ELECTIONS TO EVEN NUMBERED YEARS:

(R-03-17)

Mayor Ed Hatley reviewed a resolution opposing HB 64 which if approved would oppose moving municipal elections to even numbered years. The resolution read as follows:

WHEREAS, Municipalities in North Carolina have a long standing history of being well managed without gross mismanagement of power; and

WHEREAS, we as local officials care for the health, safety and well-being of our citizens and the property encompassed within our municipalities; and

WHEREAS, we believe local officials, who live and work daily in the communities they represent, can best determine the specific needs of our citizens and our communities; and

WHEREAS, Municipal Elections in the City of Lincolnton are held every two years in odd-numbered years in accordance with the City Charter and in accordance with State law governing municipal elections and are partisan;

WHEREAS, Municipal Elections are held in odd numbered years, with National and State Elections held in even years, in order to separate national elections from local government elections; and

WHEREAS, the separation of National and State Elections from Municipal Elections allow citizens to focus on the issues and candidates that are of singular importance to their individual neighborhoods and communities.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Lincolnton are opposed to House Bill 64 which would move Municipal Elections to even number years due to the following reasons:

1. Elections in odd numbered years allows people to be informed regarding local issues and municipal candidates who can best serve their communities;
2. This bill is not necessary as citizens currently have the ability to move their elections to odd numbered years if they choose to do so by requesting local Legislative action;
3. There would be minimal cost savings as Municipal Governments pay for Municipal Elections;
4. Citizens should retain local control of their municipalities and Municipal Elections without the interference of National and State influences;
5. If moved to even number years to coordinate with National and State Elections, Municipal Elections would become driven by national issues and candidates.

BE IT FURTHER RESOLVED that a copy of this Resolution is recorded in the official minutes of the meeting of the Lincolnton City Council and a copy be provided to the State and Local Government II, House Standing Committee Members: Chairman John R. Bradford, II, Representatives: Jay Adams, John Autry, Cynthia Ball, James L. Boles, Jr., Beverly G. Boswell, Charles Graham, George Graham, Joe John, Phillip A. Lehman, Stephen M. Ross, John Sauls, Mitchell S. Setzer, Bob Steinburg, Sam Watford and Linda Hunt Williams.

Upon review Mayor Hatley ask for a motion regarding the resolution. Councilman Black made the motion to not to oppose HB 64 but to join in with other municipalities to move municipal elections to even numbered years.

Councilman Black's motion passed by a three to one vote. Black, Smith and Jetton voted in favor of not opposing HB 64. Eaddy vote no.

CONSIDERATION OF A CONTRACT BETWEEN THE CITY AND EAST COAST PYROTECHNICS FOR THE 2017 FIREWORKS DISPLAY:
(C-05-17)

Donna Flowers, City Clerk, requested that Council to consider entering into a contract with East Coast Pyrotechnics for $ 10,000 for the 2017 fireworks display. She said this years celebration is scheduled for Tuesday, July 4th and Lincoln County has agreed to fun $ 6,000 toward the total event. She noted that the City has worked with East Coast, formerly Melrose Pyrotechnics, for twenty years and has received excellent service from their staff and the technicians who shoot the fireworks. She said East Coast has kept cost consistent for the past five years and would not be increasing their amount for this year's show.

Councilman Black made the motion unanimously approved to enter into the contract with East Coast Pyrotechnics in the amount of $ 10,000 for the 2017 fireworks display.

CONSIDERATION OF AWARDING BID TO SOUTHEASTERN CONSULTING ENGINEERS FOR THE MATERIAL FOR THE FLINT STREET ELECTRIC SUBSTATION UPGRADE
(C-06-17)

Steve Peeler, Public Utilities Director, requested that Council consider entering into a contract for materials to upgrade the Flint Street Electric Substation. Various vendors may be needed and would be subcontractors through Southeastern for this project. The four schedules of upgrades include, 2 15.5 kV Circuit breakers, 12 Voltage Regulators, SCADA & Metering Panel and Equipment House total $ 257,283.00. The total cost does not include NC Sales tax.

Councilman Eaddy made the motion unanimously approved to award the bid as recommended and to authorize the City Manager to execute the contracts between the City and the four subcontractors.

CONCERNS REGARDING SEWER BILLING THAT ARE INCLUDED ON MONTHLY WATER BILLING:

Aaron Moore, of 835 Carolina Mill Circle Lincolnton, spoke to Council about his concerns with the multiplier the City uses for the sewer billing. He recognized he

is billed the outside rate and he lives in the area where former Route 90 customers left large amounts of unpaid utility bills and he is now paying a monthly minimum in addition to his sewer bill for this unpaid bill. He still felt the cost of his monthly bill, for one person, working out of town, was high.

Mayor Hatley directed the City Manager to meet with Mr. Moore and discuss this matter.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT:

Steve Zickefoose, City Manager, reviewed the following spread sheet of the financials and overtime for the month of March.

March 2017 Council Meeting

Executive Summary

January 2017 Year-To-Date

General Fund		16-17	% of Budget	15-16	Difference
Fund 10	Revenues	6,375,677.05	53.00%	6,209,408.36	166,268.69
	Personal Services	4,589,018.69		4,738,148.77	(149,130.08)
	Supplies & Materials	215,999.95		190,027.53	25,972.42
	Current Obligations	322,167.17		287,343.70	34,823.47
	Fixed Charges	(883,666.48)		(846,935.94)	(36,730.54)
	Capital Outlay	571,521.73		370,013.46	201,508.27
	Contracts/Grants	361,927.88		371,260.17	(9,332.29)
	Debt Service	55,189.28		32,499.28	22,690.00
	Expenses	5,232,158.22	51.00%	5,142,356.97	89,801.25
	Difference	1,143,518.83		1,067,051.39	76,467.44

Water & Sewer Fund		16-17	% of Budget	15-16	Difference
Fund 61	Revenues	4,918,960.88	55.55%	5,127,533.38	(208,572.50)
	Personal Services	1,088,751.24		1,098,244.84	(9,493.60)
	Supplies & Materials	240,058.40		248,386.03	(8,327.63)
	Current Obligations	377,078.07		314,485.23	62,592.84
	Fixed Charges	800,290.10		838,933.55	(38,643.45)
	Capital Outlay	683,647.83		209,094.25	474,553.58
	Contracts/Grants	115,705.13		112,762.97	2,942.16
	Debt Service	135,573.86		160,730.52	(25,156.66)
	Inv.,Interfund	221,139.31		221,139.31	-
	Expenses	3,662,243.94	50.42%	3,203,776.70	458,467.24
	Difference	1,256,716.94		1,923,756.68	(667,039.74)

Electric Fund		16-17	% of Budget	15-16	Difference
Fund 63	Revenues	4,568,390.60	58.53%	4,441,663.88	126,726.72
	Personal Services	262,554.47		287,672.11	(25,117.64)
	Supplies & Materials	17,975.33		40,940.48	(22,965.15)
	Current Obligations	3,365,150.15		3,279,165.74	85,984.41
	Fixed Charges	520,048.85		538,405.28	(18,356.43)
	Capital Outlay	40,644.52		78,033.77	(37,389.25)
	Contracts/Grants	-		-	-
	Inv.,Interfund	15,152.06		15,152.06	-
	Expenses	4,221,525.38	56.24%	4,239,369.44	(17,844.06)
	Difference	346,865.22		202,294.44	144,570.78
Overtime	80+ hours	165,478.00		177,873.00	(12,395.00)

PUBLIC COMMENT:
Mr. Alan Hoyle said he would like to encourage everyone to love one another. He also told Council that he would like to see fencing along the rail trail, going north from Pine Street along the trail to City Park. He said there are areas along that portion that need fencing and he feels this would help both Police and Fire with unnecessary calls of vandalism if fencing is erected.

CLOSED SESSION:
Councilman Jetton made the motion unanimously approved to enter into Closed Session to discuss Property and Personnel in accordance with NCGS 143-318.10 (a)(1)(5) & (6).

Councilman Jetton made the motion unanimously approved to return to Regular Session.

Mayor Hatley stated there was no action taken during the Closed Session portion of the meeting.

NEWS MEDIA:
There were no questions from the News. Media.

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

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

MINUTES - BUDGET WORKSHOP - MARCH 22, 2017

The Mayor and City Council held a special meeting on Wednesday, March 22, 2016 at 8:00 am in the Council Chambers of City Hall, located at 114 West Sycamore Street.

Mayor Hatley called the meeting to order at 8:20 am. The following Council members were in attendance:

SMITH BLACK EADDY JETTON

Mayor Ed Hatley welcomed everyone. Department Heads were present to provide input on various projects and budget information as it pertained to their department.

City Manager Steve Zickefoose, reviewed the agenda and the format for this year's budget workshop/planning session and reviewed the expected outcomes. Steve reviewed the Strategic Plan goals, and how this workshop and the budget is being crafted around those identified goals.

STRATEGIC PLAN

Steve Zickefoose, City Manager reviewed the success we have had on some of the goals already. He feels we are moving in a positive direction and appreciates all the hard work that has been put into working towards these set goals, as outlined in the strategic plan, thus far.

INFRASTRUCTURE

Steve Zickefoose, City Manager, ask Steve Peeler to discuss items related to the current infrastructure updates. Steve Peeler said we have focused on improving Infrastructure in the downtown area as we have new development that in to occur in the near future. He also touched on plans for the implementation of Smart Grid to City Electric customers.

Councilman Eaddy said, "I think we are moving in the right direction and I am hopeful we can get a plan improved that will provide a roadmap for our downtown." He noted that discussions continue with Lincoln County and the City of Cherryville to sell water and things are looking good.

EMPLOYEE BENEFITS

Tanya Osborne, Human Resources, provided an update on employee benefits which was identified as goal number two in the Strategic Plan. She thanked Council for their implementation of the pay and classification study last year as well as their support for continued health care coverage. He said we are continuing to look at a 401K contribution option as well as potentially changing

the holiday schedule, adding a third day for the Christmas Holiday. She other units and the State schedule have a three day leave for Christmas and hopes we can amend our personnel policy and add a third day as well. Discussions continue with the benefits committee regarding Employee Salary Movement and comparisons are underway. Compensation Equities was also mentioned which included looking at shift differentials, administrative work week and revisions to the current language of the Christmas bonus.

DOWNTOWN DEVELOPMENT

Laura Elam, Planning Director, reviewed the Downtown Development which was identified as goal number three in the Strategic Plan. She is currently working on a scope of work and a Request for Proposal to engage a consulting firm to guide in the development of a plan for Downtown. The Planning Department through the hiring of Wayne Godfrey continues to offer assistance and guidance to property owners and businesses with Building Code and permitting issues.

Currently we are working on a market analysis to identify revenue generators and opportunities for downtown development. Staff continues to work with Lincoln Economic Development Association, the Downtown Development Association and the Chamber of Commerce to develop and maintain market reports, statistics, inventories and a database. The Planning Department and all City staff will continue to promote City assistance, grants, accomplishments, etc through social media outlets, promoting City initiatives and opportunities available.

Councilman Eaddy continued to express concerns, a he has in the past, about an aggressive roll out to our media; face book, twitter, instagram and get people signed up for news alerts to continue efforts to try and enhance our communication.

RECREATION

Nathan Eurey, Recreation Director and Richard Haynes, Assistant City Manager discussed goal number four for in the Strategic Plan which was to improve Recreation opportunities. Ritchie gave an update on First Federal Park, noting he and Nathan hope it will be completed and ready to open by July of this year depending upon weather.

He discussed the creation of a Master Plan and a pedestrian/bike study, along with potential updates to City Park. Future property acquisitions were also discussed with money being set aside beginning in 2018 to have as a reserve fund to purchase property for future recreational opportunities.

Facility Improvements were discussed as was the need to identify funding for improvements and or potential construction of such. The timeline estimated for ear marking funds for improvements was 2018 through 2026.

A short break was given at 10:00 am.

PRESENTATION OF GROWTH NEEDS

Steve Zickefoose, City Manager, gave a very thorough review of the growth needs for each department. These needs were identified by he and department heads/supervisors sitting down and discussing their needs. He did note the budget items of interest as (1) Water and Sewer Fund = $ 870,000 revenue loss (12%) (2) General Fund $ 792,301 Revenue Shortage if we do not use fund balance or capital reserve (3) Budget neutral tax rate since 2012 is 58.7 cents which is an equivalent to $ 311,000. Our current tax rate remains at .56 per one hundred dollar valuation having no increase since 2000. Actually there was a one cent tax decrease in last year's budget from fifty six to fifty five cent.

Upon review Steve offered to answer any questions from Council regarding the growth needs for each department.

Councilman Jetton asked Steve to provide the total debt of the City to date. Steve said the total debt is approximately 9 million dollars but should be paid off in about four years.

Councilman Eaddy questioned the status of the intersection project at East Main and Generals Blvd. This item also generated much discussion and Council was clear that they would like to continue discussions and possibly appeal the process through NCDOT in Raleigh as to the additional components that have been added onto the original scope of work since 2014.

At 12 noon the group took a break and moved to the Fire Department Training Room for a BBQ lunch.

QUESTION AND ANSWER SESSION:

Upon returning from lunch Council began with questions regarding the morning portion of information presented.

Councilman Eaddy asked if the City is currently ok with the current staffing level. Steve Zickefoose said, "Yes we are ok and we will probably reduce our

workforce through retirements/attrition and it will not affect our services to the citizens.

Councilman Smith expressed his interest in the City having a recycling program. He would like to see this explored and educational information provided. He as well as citizens in the downtown area would like to see recycling provided in downtown.

Mayor Hatley questioned when the new garbage trucks would be in place and operational for the carts received over a year ago. Ritchie Haynes said this is coming May 1st and he plans to start with two men per truck so one can tag cans, and ask residents to move roll outs to one side of the street to assist with collection. Staff may be reduced eventually once the system is in place and citizens are aware of the pick up process.

Councilman Jetton reminded Council that he mentioned at a recent meeting about lowering the speed limit City wide to 25 mph rather than 35 mph unless otherwise posted. The City Attorney confirmed this would take an ordinance amendment requiring a public hearing is considered.

Staff members provided updates on the following projects:

GENERALS BLVD INTERSECTION AND 321 BRIDGE

Council asked for more detail from Laura Elam on the Generals Blvd East Main Street intersection project. Laura said the original cost estimate in 2014 was $ 610,000 but the scope of work has changed as NCDOT added drainage upgrades, elevation upgrades, additional right of way issues were identified by the state as well, increasing the cost of the project to 1.6 million to date.

Councilman Eaddy wanted this placed on an upcoming agenda item to provide an update publicly and said he feels we should exhaust all avenues before the City withdraws from the project as recommended by Mr. Leonard Fletcher of TGS Engineering in a recent email to Laura Elam.

After further discussion Laura was directed to set up a meeting, including Mayor Hatley and Steve Zickefoose, with NCDOT in the near future to discuss the project.

FIRST FEDERAL PARK

Richard Haynes spoke earlier in the meeting about First Federal Park, (see above comments) He told Council once the park is open he hopes the park will be utilized for possibly movies in the park, or concerts in the park through the Arts Council. He noted that speed humps will be installed at all rail-trail crossing along both Pine Street and Sycamore Street and possibly Dixon Street. Councilman Smith asked to please consider Sumner Street for speed humps as well.

Council agreed that too many speed through the areas the trail crosses City streets and they want to ensure the safety of those that walk the trail, they support installing speed humps to slow traffic in these areas.

SUBSTATION IMPROVEMENTS

Steve Peeler gave an update on the recent approval of upgrades to the electrical substation on Flint Street. He told Council these repairs were necessary and will assist the City in the future to provide less service interruptions to our citizens. He said prior to approving these improvements, four emergency repairs were made in different areas to continue electrical service.

Councilman Jetton took a moment to update Council on the "Old Clock" that is to be erected in downtown. He thinks we are almost to a point where the clock can be erected. He thanked the City electric department for assisting and advising him on properly connecting electricity to the clock.

SPECIAL EVENT FEES

Steve Zickefoose discussed special event fees. He told Council he does not plan to include the DDA fees in the City's fee schedule this year as it is deceiving and citizens could think the City receives that revenue. The City does not receive those feels and they are not approved by Council.

He hopes to use a grandfathered approach for current events and develop a model for future events, setting a budget for every event. He reviewed the cost for special event extra duty hours.

Steve reviewed a list of proposed special event fees. He said Council may consider a baseline of allowable services for prior events such as the Apple Festival, Alive After Five. Hog Happening and Winefest based on their historical

hours of operation. Additional hours to grandfathered events above the allowable baseline will be subject to the schedule of events fees.

Councilman Eaddy said he would like to know the cost, in addition to our regular staffing, for these events. Then we could let event holders know after this cost, here is the point the event holder picks up the additional cost to hold the event.

Mayor Hatley expressed concerns that the City closes the streets in downtown on business days for these events, hindering business t local merchants.

Discussions of requiring DDA to provide their current by-laws to City Council as well as an explanation of how their membership is formed, was discussed. Maybe require DDA to provide a matrix of event times and number of attendees for each event was discussed.

LOGO AND TAGLINE

Steve Zickefoose, City Manager, provided a copy of the proposed tagline/log that the Steering Committee is proposing. The Steering Committee partnered with Electricites of North Carolina to contract with Market Force Inc. to develop a logo and tagline specifically for Lincolnton.

Focus group meetings began in August with a series of questions including why someone would want to locate in Lincolnton was used to develop the design.

The final design was Lincolnton, NC, Near the City. Near the Mountains. Near Perfect. With mountains sketched to the left, a rendition of the courthouse in the middle and the City of Charlotte (representing a large City0 to the right, with black and gold lettering.

In conclusion of the Logo and Tagline update we took a short break. Department Heads were dismissed at this time and not required to stay for the remainder of the meeting.

CMO'S OFFICE OVERVIEW / RECOMMENDATIONS

Steve Zickefoose gave a thorough overview of the proposed recommendation. He provided handouts, included in the retreat booklets, of all the major funds of the City. He gave departmental budget summaries as well.

OTHER FUNDING REQUESTS

Steve reviewed the requests from the following various organizations:

Communities In Schools	-	$ 7,500
Crime Stoppers	-	$ 5,000
DDA	-	$ 60,000
LEDA	-	$ 50,000
Lincoln Cultural Center	-	$ 34,000

All requests total $ 153,600 that would be taken from the general fund if approved.

Steve noted the Chamber of Commerce is currently receiving $ 17,100 annually per the five year contract entered into last year.

Steve further stated that he would recommend to Council that DDA receive $ 48,000 rather than the requested $ 60,000; He recommended $ 4500 rather than $ 7,500 for Communities in Schools and Crime Stoppers $ 2500 rather than $ 5000.

The cost for elections was also discussed and may be adjusted to $ 35,000 rather than $ 45,000. The City Clerk said she has received am estimate for the elections to cost between $ 28,000 and $ 32,000 so budgeting $ 35,000 should be adequate.

Councilman Eaddy requested information on how the DDA gathers feedback from downtown merchants/business owners and ask that Council send a list of items/questions they receive from their constituents in downtown. He said, "Email a list to Donna and she can compile into one list for Council to review and pass along to the DDA Director."

COUNCIL FEEDBACK / DISCUSSION

Various items were discussed by Council ranging from Solid Waste to employee benefits. Council discussed operational changes in personnel.

Solid Waste cans generated much discussion and they implementation of a fair and consistent system on disbursing cans was discussed. Currently there are businesses that have large numbers of cans and others that have minimum numbers. A list of all businesses, including schools, with the number of cans they currently have and the number of times trash is picked up each week was provided in the booklet for Council to review.

Council as well as the City Manager expressed concerns as to how the number given to each of those listed was determined and by whom.

A maximum of five cans per business was discussed, to be collected once per week. Apartment complexes could be limited to one can per door. This item generated much discussion.

Council requested more information and discussion on this item with a recommendation as a part of this year's budget process. A work session including this topic may be necessary in the future.

Steve discussed the current Business Incentive Grant guidelines and ask that Council consider not requiring a public hearing, as originally requested, for each of these request. Steve said this item would still come to Council for consideration possibly under the consent agenda portion of the agenda.

Councilman Eaddy said he would like future requests to be placed on the regular portion of the agenda for approval in case they need details about the grant request. It was a unanimous consensus that a public hearing would not be a requirement for future request. The total amount that could be award for this grant would be $ 15,000

Steve also was given consensus to proceed with the following:

- Adding a day to the Christmas Holiday schedule
- Proceeding with revising the current Call Back Policy
- Overtime Pay when a holiday is included in the work week
- Longevity adjustments (making them effective on the employees anniversary date rather than at the beginning of a fiscal year)
- Change Christmas Bonus to Service Supplement Incentive
- Uniform work week for administrative staff to 37.5 hours across the board

A Dilapidated Structures list was provided and discussed by Council. This process will no longer be complaint driven. Staff will drive throughout the City and list structures that may need to be addressed. Council wants abandoned structures/over grown lots/ and any other ordinances that are on the books to be enforced. Planning staff can prioritize a list and begin work on bringing these properties into compliance.

Steve Zickefoose also discussed a potential Fleet Vehicle Lease program and has received a draft of a proposed lease agreement for Council to consider at a future meeting. If approved the City would lease 13 vehicles in the next

budget year, for a five year lease period. This would be a pilot program for the first year with the advantage being the City would receive 13 vehicles rather than 5 through the financing option.

The purchase of a Panel Christmas Tree to be used in downtown for the holiday season was discussed. Steve provided Council with pictures and pricing for a 35 ft LED pre-lit panel tree, with a five foot star. He explained that in recent discussions with Lincoln County they expressed concerns about continuing to erect a live tree as it has safety issues as well as issues with the lawn.

Live Trees are also becoming harder and harder to find and are very costly for the City to cut, move and place lights on each year. After some discussion Council told Steve to move forward with purchasing a pre-lit panel tree. Councilman Jetton ask to set up a time and date that he can go to the vendor in Hickory to see this type tree. The City Clerk will contact Carpenter Decorating to set up a date and time.

CLOSED SESSION

Councilman Jetton made the motion unanimously approved to enter into Closed Session in accordance with NCGS 143-318.10 (a)(1)(6) To discuss property.

Councilman Eaddy made the motion unanimously approved to return to Regular Session. No action was taken during the closes session portion of the meeting.

ADJOURN

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM

4

City of Lincolnton

Human Resources Department

MEMORANDUM

To: Steve Zickefoose, City Manager/Finance Director

From: Tanya Osborne, Human Resources Director

Re: Personnel Policy Revision – Article V Section 12 Use of City Owned Equipment

Date: March 28, 2017

In follow up to our recent discussions regarding the above referenced article, please find attached a revision of the section related to city owned equipment for your review.

The revision expands the scope of the section to include all types of property, not just equipment, which is used in conducting the business of the city for the citizens. A summary opening paragraph has been added along with changes to items A-C.

If Council approves the changes, I would ask the revised article be effective May 1st to allow sufficient time for the policy change to be distributed to staff. Please let me know if you have any questions.

attachment

114 West Sycamore Street – P. O. Box 617 – Lincolnton, North Carolina 28093-0617
Phone (704) 736-8980 – FAX (704) 736-8975
www.ci.lincolnton.nc.us

Draft (2)-Article V Section 12

SECTION 12: USE OF CITY OWNED EQUIPMENT/PROPERTY:

The City of Lincolnton maintains and provides staff with appropriate resources to provide quality services in a timely and efficient manner to the Citizens of Lincolnton. Use of these resources shall be conducted in a manner which enhances the Citizen's confidence and trust in the staff of the City to serve the public.

(A) City buildings, facilities, or premises shall not be available for personal use except in the conduit of official City business.

~~(A)~~ (B) City equipment, materials, tools, supplies, etc are provided for the employee's use in his/her employment, and shall not be available for personal use, nor be removed from City property except in the conduct of official City business. The City reserves the right to inspect all areas and articles that are on City property, and any information or article which an employee considers private and/or personal should not be kept on City property.

~~(B)~~ (C) Vehicles owned by the City shall be cared for by an employee in the same responsible way that they would care for their own, ~~(C)~~ and the policy of the City with regard to the use of City vehicles shall be as follows:

Employees operating a city vehicle are to obey the laws of the State of North Carolina and municipal ordinances and are held personally responsible should the operator ignore the applicable law.

The employee could or may be subject to the tax laws of the State of North Carolina and/or the United States of America by use of a City vehicle. The employee is responsible to keep records and report them should the use of the vehicle be ruled to be of compensatory value.

Not withstanding anything to the contrary in the above paragraphs, use of City owned vehicles is governed by the resolution adopted by the Council on January 9, 1986 summarized in paragraphs (1) and (2) below. Further clarifications are covered in paragraphs (3) and (4).

(1) Vehicles owned by the City may be provided to one or more employees in connection with City business and shall be used only on City business. When the vehicle is not used in the City's business, it is kept on the City's business premises. The City premises and residence of any employee using the vehicle are at different locations. Pursuant to Federal and State law, the employee, nor an individual whose use would be taxable to the employee, may use the City vehicle for personal use. The Council reasonably believes, based on City policy and state law, that no employee or any individual use these vehicles for personal use.

(2) For bona fide non-compensatory business reasons, the City may require certain employees to commute to and from work in City vehicles that are not exempted by IRS regulations. In accord with federal and state law, an employee may not use the City owned vehicle for personal use other than commuting. The City has a written policy forbidding personal use of any City vehicle and the employee using the vehicle is not an elected or appointed official. Under these conditions, the City will account for commuting use by including an appropriate amount in the employee's gross income, as specified in IRS regulations.

(3) Certain vehicles may be used to commute without any income being added to the employee's gross income. For example, a qualified specialized utility repair truck used to commute to enable the employee to respond in emergency situations to restore or maintain water or sewer services and not used for personal reasons is exempt from having an adjustment made to the employee's gross income.

(4) Use of clearly marked police vehicles to commute, and not used for personal use, are also exempt from the requirement to adjust the employee's gross income. Under certain

conditions, an unmarked police vehicle used to commute and not for personal use may also qualify for this exemption.

170406

ITEM

5

City of Lincolnton

Human Resources Department

MEMORANDUM

To: Steve Zickefoose, City Manager/Finance Director

From: Tanya Osborne, Human Resources Director

Re: Position Classification Listing Revisions

Date: March 28, 2017

As part of the process for the reorganization of the Public Works and Utilities Department, Council will need to consider changes to the position classification listing. Attached is a revised list which shows the following:

1. Elimination of Public Works Superintendent position
2. Reclassification of Public Utilities Director to Public Works and Electric Utilities Director
3. Reclassification of Water Treatment Plant Superintendent to Water Resources Director

If Council approves the changes, I would ask the revised position classification listing be effective immediately. Please let me know if you have any questions.

attachment

114 West Sycamore Street – P. O. Box 617 – Lincolnton, North Carolina 28093-0617
Phone (704) 736-8980 – FAX (704) 736-8975
www.ci.lincolnton.nc.us

Position Classification Listing
City of Lincolnton, NC
Effective April 6, 2017

Grade	Class Title	FLSA	Minimum	Midpoint	Maximum
3	Not assigned	N	21,046	26,307	31,569
4	Not assigned	N	22,098	27,623	33,147
5	Not assigned	N	23,203	29,004	34,805
6	Solid Waste Collector	N	24,363	30,454	36,545
7	Building Services Attendant	N	25,582	31,977	38,372
7	Property Maintenance Tech	N	25,582	31,977	38,372
7	Street Maintenance Worker	N	25,582	31,977	38,372
8	Distribution/Collection Maint Tech I	N	26,861	33,576	40,291
8	Electric Meter Specialist	N	26,861	33,576	40,291
8	Lead Street Maintenance Worker	N	26,861	33,576	40,291
8	Solid Waste Equip Operator I	N	26,861	33,576	40,291
9	Administrative Support Assistant	N	28,204	35,255	42,305
9	Customer Service Representative	N	28,204	35,255	42,305
9	Distribution/Collection Maint Tech II	N	28,204	35,255	42,305
9	Police Evidence Technician	N	28,204	35,255	42,305
9	Police Records Specialist	N	28,204	35,255	42,305
9	Solid Waste Equip Operator II	N	28,204	35,255	42,305
9	Street Maint Equipment Operator	N	28,204	35,255	42,305
9	WTP Operator C	N	28,204	35,255	42,305
9	WWTP Operator I	N	28,204	35,255	42,305
10	Distribution/Collection Maint Tech III	N	29,614	37,017	44,421
10	Firefighter I	N	29,614	37,017	44,421
10	Lead Meter Specialist	N	29,614	37,017	44,421
10	Solid Waste Equip Operator III	N	29,614	37,017	44,421
10	Sr Administrative Support Assistant	N	29,614	37,017	44,421
10	WTP Operator B	N	29,614	37,017	44,421
10	WWTP Operator II	N	29,614	37,017	44,421
11	Accounting Technician	N	31,095	38,868	46,642
11	Electric Line Technician (Class C)	N	31,095	38,868	46,642
11	Firefighter II	N	31,095	38,868	46,642
11	Lift Station Maintenance Mechanic	N	31,095	38,868	46,642
11	Sr Customer Service Representative	N	31,095	38,868	46,642
11	Street Maintenance Crew Leader	N	31,095	38,868	46,642
11	WTP Laboratory Analyst	N	31,095	38,868	46,642
11	WTP Maintenance Mechanic	N	31,095	38,868	46,642
11	WWTP Maintenance Mechanic	N	31,095	38,868	46,642
12	Distribution/Collection Crew Leader	N	32,649	40,812	48,974
12	Firefighter Engineer	N	32,649	40,812	48,974
12	Lead WTP Maintenance Mechanic	N	32,649	40,812	48,974
12	Sr Fleet Maintenance Mechanic	N	32,649	40,812	48,974

Position Classification Listing
City of Lincolnton, NC
Effective April 6, 2017

12	WTP Operator A	N	32,649	40,812	48,974
12	WWTP Laboratory Analyst	N	32,649	40,812	48,974
12	WWTP Operator III	N	32,649	40,812	48,974
13	Events & Marketing Coordinator	N	34,282	42,852	51,423
13	Parks Maintenance Specialist	N	34,282	42,852	51,423
13	Police Officer I	N	34,282	42,852	51,423
13	Police Officer I-SRO	N	34,282	42,852	51,423
13	Police Records Supervisor	N	34,282	42,852	51,423
13	WWTP Pretreatment Coordinator	N	34,282	42,852	51,423
14	Distribution/Collection Supervisor	N	35,996	44,995	53,994
14	Electric Line Technician (Class B)	N	35,996	44,995	53,994
14	Fire Lieutenant	N	35,996	44,995	53,994
14	General Services Supervisor	N	35,996	44,995	53,994
14	Master Police Officer	N	35,996	44,995	53,994
14	Police Investigator	N	35,996	44,995	53,994
15	Accountant	N	37,796	47,244	56,693
15	Business/Community Develop Coord	N	37,796	47,244	56,693
15	Fire Inspector	N	37,796	47,244	56,693
15	Recreation Program Coordinator	N	37,796	47,244	56,693
15	Zoning Administrator	N	37,796	47,244	56,693
16	Electric Line Technician (Class A)	N	39,685	49,607	59,528
16	Fleet Services Superintendent	N	39,685	49,607	59,528
16	Police Sergeant	N	39,685	49,607	59,528
17	Fire Captain	N	41,670	52,087	62,504
17	HR Benefits Administrator	N	41,670	52,087	62,504
17	Public Works Supervisor	N	41,670	52,087	62,504
18	Assistant to City Manager/City Clerk	N	43,753	54,691	65,630
18	Electric Distribution System Supv	N	43,753	54,691	65,630
18	Police Lieutenant	N	43,753	54,691	65,630
18	Utility Supervisor/Purchasing Coord	N	43,753	54,691	65,630
19	Accounting Services Manager	N/E*	45,941	57,426	68,911
19	Distribution/Collections System Supt	N/E*	45,941	57,426	68,911
~~19~~	~~WTP Superintendent~~	~~N/E*~~	~~45,941~~	~~57,426~~	~~68,911~~
19	WWTP Superintendent	N/E*	45,941	57,426	68,911
20	Building Inspections Consultant	N	48,238	60,297	72,357
21	Assistant Fire Chief	E	50,650	63,312	75,975
21	Electric Distribution System Supt	E	50,650	63,312	75,975
21	Police Captain	E	50,650	63,312	75,975

Position Classification Listing
City of Lincolnton, NC
Effective April 6, 2017

~~22~~	~~Public Works Superintendent~~	~~E~~	~~53,182~~	~~66,478~~	~~79,773~~
23	Not assigned	E	55,841	69,802	83,762
24	Information Technology Manager	E	58,633	73,292	87,950
24	Parks & Recreation Director	E	58,633	73,292	87,950
25	Fire Chief	E	61,565	76,956	92,347
25	Human Resource Director	E	61,565	76,956	92,347
25	Planning & Comm Develop Director	E	61,565	76,956	92,347
~~25~~	~~Public Utilities Director~~	~~E~~	~~61,565~~	~~76,956~~	~~92,347~~
25	Public Works and Electric Utilities Director	E	61,565	76,956	92,347
25	Water Resources Director	E	61,565	76,956	92,347
26	Not assigned	E	64,643	80,804	96,965
27	Police Chief	E	67,875	84,844	101,813
28	Not assigned	E	71,269	89,086	106,904
29	Not assigned	E	74,833	93,541	112,249
30	Assistant City Manager	E	78,574	98,218	117,861
31	Not assigned	E	82,503	103,129	123,754
32	Not assigned	E	86,628	108,285	129,942
33	Not assigned	E	90,960	113,699	136,439
34	Not assigned	E	95,508	119,384	143,261
35	City Manager/Finance Director	E	100,283	125,354	150,424
36	Not assigned	E	105,297	131,621	157,946

Notes:

1 Employees in classifications with FLSA status "N" are **subject to** the overtime provisions of the Federal Fair Labor Standards Act which requires the payment of overtime (or equivalent compensatory time) after the employee has worked more than 40 hours in the employer's official **work week**, not the employee's **work schedule**

2 Employees in classifications with FLSA status "E" are **exempt from** the overtime provisions of the Federal Fair Labor Standards Act

3 Law enforcement officers and firefighting personnel who are subject to the overtime provisions of the FLSA may be paid on the basis of a **work period** from 7 to 28 days and not the City's official work week

rvsd 04-06-17

ITEM

6

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..

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager

SUBJECT: On Call Engineering Services- Water and Wastewater

DATE: March 28, 2017

I have had conversations with County Manager Kelly Adkins about doing a joint RFQ for engineering services for the water and wastewater industry. The County currently has an approved list that was adopted in 2014 that they hope to update soon. The City plans to participate in the new RFQ process. In the meantime, I am asking for approval for the City to Piggyback on their current approved list for new projects.

I am attaching the RFQ that was done by the County along with a copy of their minutes that reflect the list of approved firms. The County has been very satisfied with services rendered by these firms.

Policy # 13 Service Contract Procedures will still be used for all other applicable services.

Please let me know if you have any questions or comments.

Bid Number:	2014-0221
Bid Title:	Request for Qualifications On Call Engineering Services
Category:	Public Works
Status:	Closed

Description:

Request for Qualifications On Call Engineering Services

LINCOLN COUNTY is issuing this request for expressions of interest and statements of qualifications for work in the water and wastewater industry. The work consists of providing Engineering Consulting Services necessary to plan and construct the water and wastewater projects within Lincoln County.

GENERAL SCOPE OF ANTICIPATED SERVICES

The minimum scope of services that interested consultants will be expected to provide using their own personnel and qualified sub consultants includes, but is not limited to the following:

1. Provide design and permitting of water and sewer projects including sewer lift stations, water treatment plant expansions, waste water treatment plant expansions, sewer extensions, water main extensions, water pump stations and other related projects. This shall include permitting, design alternatives and design for different types of projects. May also include general consulting on issues that involve water and waste water systems.

2. Provide water and sewer system modeling and system studies. This shall include modeling of the water and sewer systems. This shall also include providing modeling for possible upgrades and provide system studies to aid in determining system expansions and improvements.

3. Provide assistance with acquisition of property and easements for construction of design. This shall include survey and development of plats, assistance with development of deeds and easements and negotiations with property owners. Obtaining necessary encroachments from other agencies shall also be part of this task.

4. Construction Contract Administration and project finalization. Includes bidding, contract award, dispute resolution, inspection, testing and development of all documents, record drawings and completion certificates needed for project completion.

Please see attached PDF files for full details.

Request for Qualifications On Call Engineering Services PDF

RFQ2014-0221-On Call Engineering Services Addendum 1 Questions PDF

Publication Date/Time:

1/9/2014 12:00 AM

Closing Date/Time:

2/21/2014 3:00 PM

Contact Person:

LINCOLN COUNTY MANAGER'S OFFICE
C/O JOHN HENRY
INTERM PURCHASING AGENT

LINCOLN COUNTY

Request for Qualifications
On Call Engineering Services

INTRODUCTION

LINCOLN COUNTY is issuing this request for expressions of interest and statements of qualifications for work in the water and wastewater industry. The work consists of providing Engineering Consulting Services necessary to plan and construct the water and wastewater projects within Lincoln County.

OBJECTIVES

The object is to select several firms to provide engineering consulting services on an as needed basis for water and wastewater projects in the County.

PURPOSE

The COUNTY's purpose in issuing this request for expressions of interest and statements of qualifications is to select several consultants interested in providing on call engineering services for water and wastewater projects. The expressions of interest and statements of qualifications will be reviewed, evaluated and ranked by a selection team based on qualifications and the criteria included with this request.

GENERAL SCOPE OF ANTICIPATED SERVICES

The minimum scope of services that interested consultants will be expected to provide using their own personnel and qualified sub consultants includes, but is not limited to the following:

1. **Provide design and permitting of water and sewer projects including sewer lift stations, water treatment plant expansions, waste water treatment plant expansions, sewer extensions, water main extensions, water pump stations and other related projects.** This shall include permitting, design alternatives and design for different types of projects. May also include general consulting on issues that involve water and waste water systems.
2. **Provide water and sewer system modeling and system studies.** This shall include modeling of the water and sewer systems. This shall also include providing modeling for possible upgrades and provide system studies to aid in determining system expansions and improvements.
3. **Provide assistance with acquisition of property and easements for construction of design**. This shall include survey and development of plats, assistance with development of deeds and easements and negotiations with property owners. Obtaining necessary encroachments from other agencies shall also be part of this task.
4. **Construction Contract Administration and project finalization**. Includes bidding, contract award, dispute resolution, inspection, testing and development of all documents, record drawings and completion certificates needed for project completion.

LINCOLN COUNTY

CONTENT OF RESPONSES

To be considered, responses must effectively address all the elements in this section and be organized in the order in which they are listed. As a minimum, responses to this request shall contain the following:

1. Résumés of the firm's key individuals proposed for this project and an organization chart indicating any proposed subcontractors and/or parties to a joint venture. (Maximum of 5 pages)
2. Participation by local and/or minority business should be indicated by percentage and type of work to be performed. (Maximum of 1 page for each MBE)
3. A description of the overall qualifications of the consultant, and overall capabilities of the firm relevant to the proposed project. Provide general information and background about the consultant including: size of the firm, number of years in business, and number of staff by discipline, quality control process/procedure and total personnel. (Maximum of 1 page)
4. A summary of the five most recently completed projects on which the consultant provided services similar to those sought by the COUNTY. As a minimum, the project summaries shall contain (Maximum of 5 pages):
    a. A brief description of the project scope and the services provided by the consultant.
    b. The amount of the engineer's estimate, award amount, and final construction cost of the project.
    c. The original and actual project completion dates.
    d. The name and telephone number of a contact person, employed by the project owner, familiar with the consultant's work. (These may be contacted for further information and reference.)
    e. The approximate dollar amount of each assignment. (Design, Construction, Inspection)
5. Consultant contact information and verifications (Maximum of 1 page)
    a. The geographic location and address of the principal office of the consultant and the North Carolina based office or branch (if different) which would be responsible for providing services to the COUNTY.
    b. Include the name, title, address, and telephone and fax numbers, and email address of the consultant's contact person during the review and evaluation process.
    c. A statement acknowledging by name the receipt of all addendum and clarifications.

EVALUATION PROCESS

Responses will be reviewed, evaluated and ranked by a Selection Team in accordance with the criteria and procedures described in this section. The Selection team will be composed of COUNTY staff members and may include representatives from other agencies. The COUNTY reserves the right to request consultants to provide missing information, make corrections, or provide additional information. Responses will be evaluated and ranked by the following criteria, listed by relative degree of importance and approximately the top 5 firms will be selected for an as needed basis:

1. Review committee members will study each proposal and rate them on the following categories:
    a. Pertinent experience of the firm
        1. Qualification of the firm members.

2. Key personnel's professional background and expertise.

b. Relative experience on similar projects
    1. Capability to perform work.
    2. Demonstrated experience in specialized areas of water system hydraulic analysis and evaluation based design solutions.

c. Project approach
    1. Interest in undertaking the project.
    2. Ability to properly manage aspects of the project in order to stay on schedule and at cost.

d. Team Dynamics
    1. Logical team make-up.
    2. Quality Control Methods.
    3. Successful inner team past partnerships, other firms.
    4. Successful outer team past partnerships, government agencies & public
    5. Ability to commit resources.
    6. Participation of local and/or minority vendors (MDBE/DBE).
    7. In house survey or partner.
    8. Office location.

e. Past performance

SUBMISSIONS

Responses must include one original, two (2) copies and one (1) Adobe PDF file (flash drive, CD or DVD) of the Statement of Qualification shall be prepared and submitted in accordance with the requirements of this request. All submissions must be received no later than **3:00 PM, Friday, February 21, 2014**. Late submissions will not be considered, regardless of reason. All submissions must be addressed and sent to:

LINCOLN COUNTY MANAGER'S OFFICE
C/O JOHN HENRY
INTERM PURCHASING AGENT
THIRD FLOOR CITIZENS CENTER
115 WEST MAIN STREET
LINCOLNTON, NC 28092
RFQ # 2014-0221 – On Call Engineering Services

GENERAL INFORMATION

Engineering Procurement Process

Actual work will be issued to one of the selected firms as the services are required through individual contracts. The Contracts will be issued in accordance with the County's Purchasing Manual. Fess will be negotiated with the firm most suited to the type of work required. Should a fair and reasonable price not be reached, the County has the right to offer it to one of the other firms. Finally, the County has

reserved the right to solicit proposals for any specific project separate from the On Call list. There is no minimum guaranteed to any of the firms. The firms will remain on the On Call list for one (1) year with the option to extend this for an additional two (2) years.

The first step involves the preparation, submission, review, evaluation and ranking of responses to this request for expressions of interest and statements of qualifications by the Selection Team, resulting in a "short list" of consultants. The second step involves the evaluation by the Selection Team, resulting in the Selection Team recommending a several consultants to the Lincoln County Commissioners for consideration and approval. Lincoln County is responsible to select the most qualified consultant..

Solicitation Schedule (subject to change at the sole discretion of Lincoln County)

Activity	**Date**
Request for Qualifications (RFQ) issued	January 9, 2014
RFQ Questions Due	February 11, 2014
RFQ Questions Answered and Issued as an Addendum. Addendum will be posted to http://www.lincolncounty.org/bids.aspx under RFQ# 2014-0221- On Call Engineering Services	February 14, 2014
RFQ submission due date	February 21,2014

Designated Representative and Communications

The designated COUNTY representative for questions and communications pertaining to this procurement is identified below. Communications shall be in writing and may be delivered personally; by facsimile; via email; air express or by regular, registered, overnight or certified mail addressed to the person identified in this section. All written communications with the COUNTY regarding this procurement shall be marked "**On Call Engineering Services**". Telephone calls may be used to expedite communications, but shall not be considered official communications unless confirmed in writing. The preferred method of receiving these correspondences are by email at: jhenry@lincolncounty.org Please note in the subject line **Question – RFQ# 2014-0221 – On Call Engineering Services.** Communications shall be considered received at the time actually received by the designated representative. All communications with the COUNTY must be addressed to:

Designated Representative:
JOHN HENRY, INTERM PURCHASING AGENT
THIRD FLOOR CITIZENS CENTER
115 WEST MAIN STREET
LINCOLNTON, NC 28092
Phone: 704-736-8478
Email: jhenry@lincolncounty.org

Qualifications of Consultants

A qualified prospective consultant shall have North Carolina professional licenses for the types of services for which licenses are required.

LINCOLN COUNTY

Disadvantaged Business Enterprise (DBE) Obligation

Consultants must comply with the requirements of 49 CFR, Part 26 for all subcontracted portions of this work. The COUNTY has established a DBE goal of 10% on this project. The successful consultants will be required to meet the DBE goal or demonstrate good faith efforts at the time proposals are requested, not at the time that responses to this request for statements of interest and request for qualifications are due. To be accepted as a qualified DBE, the North Carolina Department of Transportation (NCDOT) must certify a consultant as a DBE. Contact that office for questions or assistance in this area.

Addenda and/or Clarifications

Any addenda issued before the response due date shall become part of the solicitation. Signed copies of all addenda and/or clarifications issued to prospective consultants shall be enclosed with their response. Failure to acknowledge and enclose said addenda and/or clarifications may be considered grounds for rejection of a consultant's response. Any Addendum issued will be posted on the County's website: www.lincolncounty.org (by 5:00pm, February 14, 2014). A consultant shall not rely on any oral interpretations, clarifications, or changes made in these solicitation documents by the COUNTY's employees.

Lincoln County Reservations

Lincoln County expressly reserves the right to:

1) Withdraw this request anytime without prior notice.
2) Postpone the response due date for its own convenience.
3) Reject any or all responses.
4) Accept the responses deemed by the COUNTY to be in the best interest of the COUNTY and the general public.
5) Waive any irregularity and/or informality in the responses received.
6) Choose approximately 3 to 6 firms from the submissions.
7) Award a contract for the Engineering Services to one consultant as needed.
8) Not award a contract.
9) Award a contract in the best interests of Lincoln County.

Lincoln County assumes no financial liability for any costs or losses incurred by consultants preparing and/or submitting responses to this request.

End of Submission

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 16, 2014

The Lincoln County Board of County Commissioners met June 16, 2014 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:
Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

Others Present:
W. Tracy Jackson, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the June 16, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, June 16, 2014
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation – Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda – **removing Item 7 and adding 7a**
2. Consent Agenda
   - Child Advocacy Center Lease

- Approval to accept Library Service & Technology Act (LSTA) Grant and job description for Library Grant Project Coordinator
- DMV Refunds
- JCPC Funding Allocation from State for FY15
- Waived fees for Lincolnton-Lincoln County F.O.P
- Capital Project Ordinance Amendment #10
- Budget Ordinance Amendment #11
- Surplus Property

3. Planning Board Recommendations - Randy Hawkins

   CUP #338 John Bailey, applicant (Parcel ID# 30939) A request for a conditional use permit to operate an outdoor recreation facility, a paintball play area, in the R-T (Transitional Residential) district. The proposed 30-acre site is located on the east side of Old Plank Road at Mariposa Road in Catawba Springs Township.

4. Motion to Adopt An Ordinance Adopting the Lincoln County Budget for Fiscal Year 2014-2015

5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)

6. **Public Hearing** - Industrial Incentive Grant for New Industry - Crystal Gettys
   - Motion to Approve Resolution #2014-18: Resolution to Adopt Economic Incentive Grant Agreement

~~7. Boys and Girls Club Presentation - Dr. Jermilah Martin~~
~~- Construction Award~~
~~- Lease with Boys and Girls Club~~

7a. Motion to Approve Contract with ES&S to purchase DS200 Tabulation machine - Bradley Putnam

8. Purchasing Manual Update - John Henry
   - 2014 Lincoln County Purchasing Manual

9. Approval of Construction Contract for Upgrades to West Lincoln Booster Pump Station - Don Chamblee

10. Approval of the list of engineering firms for use in seeking Utility Engineering Services proposals as needed - Don Chamblee

11. Discussion on City / County Contracts

12. Finance Officer's Report

13. County Manager's Report

14. County Commissioners' Report

15. County Attorney's Report

16. Vacancies/Appointments

17. Calendar

18. Other Business

This list of qualified and approved Consultants would allow proposed projects to be expedited by one or more months. Statements of Qualifications from (18) eighteen Engineering Firms were received on February 21, 2014.

The selection committee of Public Works Staff, Adam M. Jolicoeur, Olan C. Henderson, and John Hawkins, carefully evaluated the submittals as outlined in the RFQ. The fifteen firms listed below provided submittals that were found acceptable and complete by the selection committee. The various sizes and types of water and wastewater related projects require the broad range of expertise and sizes of companies as reflected in the recommended quantity of firms. McKim & Creed, Willis Engineers, and McGill Associates failed to provide submittals which the minimum requirements.

Public Works Staff recommends the Award of RFQ #2014-0221 to the following (15) fifteen firms:

CES Group	274 North Hwy 16, Suite 300, Denver, NC 28037
CHA design/Construction Solutions	8720 Red Oak Boulevard, Suite 505, Charlotte, NC 28217
Davis, Martin, and Powell	6415 Old Plank Road, High Point, NC 27265
Dewberry Engineers Inc.	6135 Lakeview Road, Suite 150, Charlotte, NC 28269
Goodwyn, Mills, and Caywood, Inc.	101 East Washington Street, Suite 200, Greenville, SC 29601
Hazen and Sawyer	4944 Parkway Plaza Boulevard, Suite 375 Charlotte, NC 28217
Kimley-Horn and Associates, Inc.	2000 South Boulevard, Suite 440 Charlotte, NC 28203
Mattern & Craig	206 Cooper Street, Suite 117, Statesville, NC 28677
The Wooten Company	120 North Boylan Avenue, Raleigh, NC 27603
US Infrastructure of Carolina, Inc.	1043 East Morehead Street, Suite 203, Charlotte, NC 28204
Vaughn & Melton	3809-L Beam Road Charlotte, NC 28217
W. K. Dickson	401 4th Street SW, Suite 201, Hickory, NC 28602
Woolpert	8731 Red Oak Boulevard, Suite 101, Charlotte, NC 28217
Wright &Associates	4190 Hwy 16 South, Newton, NC 28658
WSP	128 Talbert Road, Suite A, Mooresville, NC 28117

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the list of engineering firms for utility engineering services as proposed.

ITEM

7

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..

PROCLAMATION
SMALL BUSINESS WEEK
CITY OF LINCOLNTON

WHEREAS, Lincolnton recognizes and values the dedication and entrepreneurial spirit within our community and the State of North Carolina; and

WHEREAS, small businesses keep our community, the state and America's economies growing strong; and

WHEREAS, there are more than 843,724 registered small business establishments in North Carolina, representing 1.6 million small business employees in the state; and

WHEREAS, numerous entities are committed to helping our businesses grow and create new jobs in our community by providing exemplary workforce training, financial assistance programs, research, and technical assistance; and

WHEREAS, Lincolnton, North Carolina has proclaimed April 30 – May 6, 2017 as Small Business Week to show support of and appreciation for the small business community; now

THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim April 30 – May 6, 2017 as "Small Business Week" in Lincolnton and urge all residents to acknowledge and celebrate the achievements made by our local small businesses.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Lincolnton to be affixed this 2nd day of May, 2017

ATTEST:

Donna C. Flowers

Donna C. Flowers, MMC
City Clerk

Ed Hatley

Ed Hatley
Mayor

CITY OF LINCOLNTON

CITY COUNCIL
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CITY ATTORNEY
Thomas J. Wilson, Jr..

PROCLAMATION

Older Americans Month 2017

WHEREAS, the City of Lincolnton wishes to recognize older Americans who richly contribute to our community; and

WHEREAS, we acknowledge that what it means "to age" has changed—for the better.

WHEREAS, the City of Lincolnton is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

WHEREAS, the City of Lincolnton can provide opportunities to enrich the lives of individuals of *all ages* by:

- involving older adults in the redefinition of aging in our community;
- promoting home- and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

NOW THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, hereby proclaims May 2017 to be Older Americans Month. I encourage every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Proclaimed this the 6th day of April, 2017

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM

8

Donna Flowers

From: Mark Carpenter
Sent: Monday, March 27, 2017 3:06 PM
To: Donna Flowers
Cc: Daphne Ingram; Laura Elam
Subject: Calls to Public Hearing

Donna,

We have received two calls to public hearing for the April 6, 2017 City Council Meeting. They are as follows:

- CU-ZMA-2-2017- Application from Piedmont Companies requesting the conditional use rezoning of 0.93 acres of land from Residential-Office (R-O)
  To Conditional Use-Central Business (CU-CB) District. The conditional use permit would allow for the construction of a 13 unit Townhome (Multi-Family Dwelling)
  complex. The subject property is located at the northwest corner of North Aspen Street and West Pine Street. (Parcel ID 21017).

- ZMA-1-2017- Application from Bobby G. Humphrey requesting the rezoning of approximately 2.91 acres of land from Residential-15 and 25 (R-15 & R-25) to the
  Residential-8 (R-8) District. The subject properties are located on the north side of Highland Drive approximately 150 feet west of the intersection of Highland
  Drive and Periwinkle Street. The address is 330 Highland Drive (Parcel ID 22598 and 72742).

Today is the deadline for applications. If I receive any additional items by 5:00 p.m. I will send them to you in the morning.

Thanks

Mark A. Carpenter
City of Lincolnton
Zoning Administrator
114 West Sycamore Street
P.O. Box 617
Lincolnton, NC 28093
704-736-8930

ITEM

9

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

RE: Business Incentive Grant (BIG- 05-2017)

Application from Anderson Properties for Business Incentive Grant for exterior building renovations at 1202 East Main Street

Project Information

- Location: 1202 East Main Street
- Use: Installation of three awnings on west side of building
- Total project cost estimate: $963
- Anticipated start: March/April 2017
- Anticipated Completion: April/May 2017

Request

- $481.50 for building renovations

See included maps and application for additional information.

ITEM

10

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

SUBJECT: **CUZMA-1-2017**- Application from The BTR Communities Group, LLC requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use-Residential-Office (CU-RO) District. The conditional use permit would allow for the construction of a 48 unit Planned Residential Multi-Family Development. The subject property is located on East Main Street and Ross Street.

DATE: April 6, 2017

NOTE: At their March 21 meeting, the Planning Board tabled this petition for 30 days to allow time for the applicant to submit a revised site plan. On March 27, the applicant withdrew the petition.

SITE AND AREA DESCRIPTION

The BTR Communities Group is requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use Residential Office (CU-RO) District. The subject property is located on East Main Street and Ross Street. (See attached map). The property is vacant but was formerly used as First Citizens Bank and a used car lot.

Property surrounding the site is R-8 to the south and west, GB to the North, and a combination of GB and R-8 to the east. Land uses in the area are primarily single family dwellings to the south and west, commercial properties to the north and single family dwellings and the city fire department to the east. (See attached maps for zoning and land use)

PROPOSED SITE PLAN

The applicant requests conditional use rezoning in order to construct a 48 unit planned residential multifamily development on the property. The proposed density will be 13.7 units per acre. There will be eight (8) one bedroom units, 22 two bedroom units, and 18 three bedroom units. The proposed buildings will be three stories in height with a maximum building height of 48 feet. A one story community building will be constructed in the center of the complex. Screening will be required adjacent to all residentially zoned properties.

The plan proposes 96 parking spaces (2 per unit). Amenities include playgrounds, covered picnic areas, outdoor sitting areas with benches, exercise room, and a computer center.

Access will be provided by one driveway onto Ross Street. A sidewalk constructed to city standards will be required along the frontage of Ross Street. (Sidewalk already exists on East Main Street). Sidewalks will be constructed throughout the interior of the project. Public water and sewer will be provided to the site by the developer.

COMPLIANCE WITH WATER SUPPLY WATERSHED

The site is located inside the Watershed IV protected area and the applicant will be disturbing more than one acre of land. Therefore, compliance with the Water Supply Watershed standards is required. Seventy (70%) percent impervious surface is the maximum allowed on the site.

CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The Unified Development Ordinance (UDO) specifically describes the procedures for conditional use rezoning. The use that is proposed in the conditional use permit portion of the process must be the use developed on the property after it is rezoned. Unlike a standard rezoning in which all the uses permitted in the district are potentially allowed in the rezoned area, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to a 48 unit multifamily Planned Residential Development (PRD).

PLANNED RESIDENTIAL DEVELOPMENT

The UDO allows for "Planned Residential Developments" consisting of single family dwellings, duplexes or multi-family dwellings or a mixture of housing types and notes the purpose for special regulations for PRD's is to promote variety, innovation and flexibility by allowing certain variations in lot sizes, dwelling unit types and / or design requirements. PRD's must comply with the applicable standards of the Ordinance and are subject to the approval of a conditional use permit by City Council.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee met on March 14, 2017 and the following comments were made:

1. A street name for the private drive into the site will be required for 911 purposes.
2. Lincoln County Natural Resources must review and approve plans for erosion control.

3. Building permits must be reviewed and approved by Lincoln County Inspections.
4. All utilities must be approved by the City of Lincolnton Public Works and Utilities Director prior to construction. Easements may be required. Any necessary new utility lines, pump stations, etc. are the responsibility of the developer. Water and sewer on site will be private.
5. The existing trees located along the perimeter of the site are to be preserved to the extent feasible.
6. Exact impervious surface amounts must be shown on the plan not to exceed 70% of the site.
7. Permanent onsite retention will be required to control storm water. The system will need to be designed and engineered so the no additional storm water will be leaving the site than exist pre construction. The City must approve the storm water system prior to construction.
8. New fire hydrants will be required at the entrance and internally on the site as approved by the City Fire Inspector.
9. The fire system must be separate from the domestic metering on site.
10. A sidewalk constructed to city standards will be required along the frontage of Ross Street.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 and Section 153.215 of the UDO requires that a conditional use permit application and a Planned Residential Development contain specific terms and meet specific requirements. The application meets all of the requirements with the following exceptions:

1. A complete set of final civil drawings will be required to be submitted and approved by both the Planning Department and Public Works and Utilities Staff prior to issuance of final permits.

2. Additional street landscaping will be required along the frontage of East Main Street.

3. Additional parking lot landscaping will be required within the interior of the site.

4. Detailed sign information will need to be provided if signage is to be erected for the project.

5. The four parcels and rights of way through the parcels will need to be recombined into one parcel with all alleyways legally closed. All alleyways and easements must be closed prior to development

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. They are as follows:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and

2. The use meets all required conditions and specifications, and

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and

4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Section 153.238 of the UDO requires that the following specific review criteria for Planned Residential Developments be addressed by the City Council in addition to the general review criteria noted above.

1. The location and character of the development will be in keeping with the stated purpose for allowing Planned Residential Developments.

2. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector / non-thoroughfare streets).

COMPLIANCE WITH FINDINGS OF FACT

1. The applicant will need to provide sufficient evidence that the use will not endanger the public health or safety.

2. The use meets all required conditions and specifications with the exception of the items listed earlier in the report.

3. The developer will need to provide sufficient evidence that the use will not substantially injure the value of adjoining or abutting property.

4. The developer will need to provide sufficient evidence that the use, if approved, will be in harmony with the area.

COMPLIANCE WITH SECTION 153.238

1. The development meets the requirements for Planned Residential Developments (PRD's) as outlined in the ordinance subject to the Staff Review Committee comments.

2. The developer will need to provide sufficient evidence that the development will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets.

LAND USE PLAN COMPLIANCE

The Lincolnton Land Use Plan shows the property in the Neighborhood Business Corridor Planning Area. The development as proposed does not comply with the Land Use Plan. If the development is approved, the land use plan will need to be amended to show the property in a Residential High Density Planning area.

STAFF RECOMMENDATIONS

Staff cannot make a positive recommendation unless the developer can provide evidence showing how the findings of facts will be met. If the developer can show that all findings are satisfactorily met, then the following actions would need to be taken for approval:

1. Approve the rezoning from GB to CU-RO.

2. Approve the Conditional Use Permit for a 48 unit multifamily Planned Residential Development provided all requirements for conditional uses and Planned Residential Developments are met and all Staff Review Committee comments are addressed.

3. Amend the Lincolnton Land Use Plan to show the properties in the Residential High Density Planning Area.

ITEM

11

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

SUBJECT: ZTA-1-2017- Request from Downtown Steering Committee for Amendment to the Unified Development Ordinance Regarding Permitted Uses in the Central Business District

DATE: April 6, 2017

BACKGROUND

The Downtown Steering Committee is requesting a change to the downtown (Central Business District) zoning regulations in order to make changes to several permitted land uses. Currently, bail bonds services, check cashing establishments, gas stations, pawn shops, banks and churches are permitted uses in the CBD.

The proposed amendment would change the regulations so that these uses would become conditional uses rather than permitted uses and require the approval of a conditional use permit by City Council.

PURPOSE

The purpose of the proposed amendment is to try to maintain the charm and character of downtown Lincolnton while also helping it to be better positioned to attract more retail and restaurant uses and potentially a microbrewery or tavern type of use.

BAIL BONDS, CHECK-CASHING AND PAWN SHOPS

The Steering Committee felt that land uses like bail bonds services, "quick-cash" type check cashing services and pawn shops do not help to promote downtown Lincolnton as a retail or restaurant destination and may not necessarily be consistent with its character. The proposed amendment would make these uses subject to the approval of a conditional use permit with City Council evaluating the merits on a case by case basis.

CHURCHES

Uses like taverns and microbreweries are required by State ABC laws to be at least 50 feet from churches. It can be difficult to find locations in the downtown area that meet the 50 foot separation due to the number of churches. As additional churches locate in the downtown area and as existing churches expand, it will become more and more challenging to find locations

downtown that could potentially meet the State ABC separation requirements and be eligible for a microbrewery or tavern. The proposed amendment would allow churches in the CBD subject to the approval of a conditional use permit.

BANKS

The Steering Committee noted that there are several banks in the downtown area. They tend to be located in relatively large buildings that can tend to have an institutional type character. There was some concern that downtown could reach a point of having so many banks that the historic character starts to diminish. The amendment proposes that banks become a conditional use rather than a permitted use and evaluated through the conditional use permit process.

GAS STATIONS

The Steering Committee noted that it can be difficult to find new uses for abandoned gas stations due to the expense associated with environmental clean up and limited re-use possibilities. The amendment proposes that gas stations become a conditional use rather than permitted use and evaluated through the conditional use permit process.

NOTE:

If the proposed amendment is approved, any existing bail bonds services, check cashing establishments, gas stations, pawn shops, banks and churches would continue to be permitted in the CBD. Any new or expanding bail bond services, check cashing establishments, gas stations, pawn shops, banks or churches would be subject to the approval of a conditional use permit.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend amendment of the UDO as outlined above.

An Ordinance to Amend the City of Lincolnton Unified Development Ordinance to Revise the Uses Allowed in the Central Business District

Section 1. Amend Section 153.031, Definitions of Specific Terms and Words, to add the terms"Bail Bond Service" and "Check Cashing Establishment" as follows. Newly adopted language is underlined and highlighted in blue and language to be deleted is ~~struck through~~ and highlighted in red.

BAIL BOND SERVICE. An establishment that provides surety, pledge money, property or other financial transfers for the purpose of securing the release from jail of an accused defendant pending trial.

CHECK CASHING ESTABLISHMENT. A business, other than a bank or financial institution, that cashes checks, drafts, and money orders for a fee, service charge, or other consideration regulated pursuant to the provisions of NC G.S. Chapter 53, Article 22.

Section 2. Amend Section 153.113 (A) (1), Central Business District, Permitted Uses, Retail Uses, to delete "automobile service station" and"pawn shop" as permitted uses as follows:

~~Automobile service station~~
~~Pawn shop~~

Section 3. Amend Section 153.113 (A)(2), General Business District, Permitted Uses, Services, to delete "churches" and "financial institution" as permitted uses as follows:

~~Churches~~
~~Financial institution~~

Section 4. Amend Section 153.113 (B), General Business District, Conditional Uses, to add "Automobile Service Station," "Bail Bond Service," "Check Cashing Establishment," "Churches," "Financial Institution" and "Pawn Shop" as conditional uses as follows.

Automobile service station
Bail bond service
Check cashing establishment
Churches
Financial institution
Pawn shop

Section 5. That this ordinance shall become effective upon its adoption.

ITEM

12

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

SUBJECT: ZTA-2-2017- Application from Natalie Ridge and Will Fox to allow open air venue/outdoor venue as a conditional use in the R-15 District

DATE: April 6, 2017

BACKGROUND

The applicants are requesting a change to the zoning regulations in order to allow outdoor events such as weddings, showers and graduation parties in the R-15 zoning district.

PROPOSED TEXT AMENDMENT

The proposed text amendment would change Section 153.106 (B) Conditional Uses in the R-15 District of the UDO by adding a new subsection: **(9) Open Air Venue/Outdoor Venue.**

In addition, **a** definition would be created under Section 153.031 Definitions of Specific Terms and Words. The definition would read as follows:

> **Open-Air Venue/Outdoor Venue-** A facility which would be used for such events as weddings, rehearsal dinners, dinner parties, graduation parties, birthday parties, retirement parties, bridal showers, baby showers, luncheons and similar uses. The use shall have limited days and hours of operation and must be able to either provide parking on site or by contract with a nearby lot.

COMPATIBILITY WITH R-15 DISTRICT

The R-15 zoning district is primarily a single family residential district but does allow a limited number of private and public uses as conditional uses. Current uses allowed as conditional uses include churches, country clubs, indoor community center or meeting facility, schools, public safety stations, and publically owned and operated outdoor recreation facilities. The use as described appears to be comparable to conditional uses allowed already in the R-15 District.

The conditional use permitting process would allow the Planning Board and City Council to look at specific locations to ensure they would be compatible with the neighborhood and to place

reasonable conditions on the permit to ensure that the public health and safety would be protected.

The text amendment would also apply to the R-10 district since the list of conditional uses in the R-15 district is also allowed in the R-10 district.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff feel that this use would be appropriate for the R-15 and R-10 districts but only as a conditional use. This would allow for specific locations to be considered for neighborhood compatibility.

ITEM

13

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
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donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager

SUBJECT: Parking

DATE: March 28, 2017

As you know, Council created a Parking Committee to review downtown parking and to come up with suggestions for improving this area of concern. The committee membership includes business owners and representatives of the City and County government. The members are: Ed Hatley, Marty Eaddy, Rodney Jordan, Steve Zickefoose, Jamie Houser, John Anderson, Mike Payne, Rex Rhyne and Joshua Grant. This committee has met numerous times and has developed recommendations for your consideration. As part of this process, an additional 109 parking spaces will be created. Below is a summary of the recommendations:

- Parking enforced Monday-Friday 8 am to 4 pm.
- Do away with overnight restrictions
- 100 Block and 200 Block of Main Street- 2 Hour limit.
- 300 Block of Main Street- 3 Hour limit.
- 400 Block of Main Street- open parking.
- Put Handicapped Loading/Unloading parking space in front of Arts on Main.
- Sycamore Street from Flint to Court Square- One lane road.
- Add parking on south side of Sycamore from Flint to Poplar. Open parking.
- Add parking on east side of N Poplar from E Pine to E McBee. Open parking.
- Existing parking on Sycamore between Poplar and Academy – change from 2 Hr to open parking.
- Water Street from Court Square to Flint- One lane road.

- Add parking on north side of Water Street from Poplar to Flint. Open parking. Allow for access to drive up mail box at Post Office.
- Add spaces on West Church Street behind Emmanuel Lutheran from Aspen to Government. Open parking.
- Add spaces on West Main from High Street to west side of Jonas Library. Both sides if possible. Open parking.
- City Hall parking lot limited to 30 minute public parking.

The Code of Ordinances Chapter 75: Parking Schedules must be amended before we can add spaces to Sycamore due to existing restriction. The Ordinance also requires editing to reflect changes to hours and restrictions. A draft including required changes is attached for your review.

The estimated number of spaces to be added due to the above changes:

Sycamore	39
Water	46
W Main	9
W Church	5
N Poplar	10
	109

Please let me know if there are any questions.

CHAPTER 75: PARKING SCHEDULES

Schedule

I. Parking prohibited at all times
II. Parking prohibited from 1:00 a.m. to 6:00 a.m.
III. Parking limited to two hours, except Sunday and public holidays
IV. Parking at Court Square
V. Handicapped parking
VI. Diagonal parking

SCHEDULE I: PARKING PROHIBITED AT ALL TIMES.

Parking is prohibited at all times on the following streets or portions of streets.

Description	*Direction*
Academy Street between Congress Street and Rhodes Street	East side
Academy Street between Main Street and Pine Street	East side
Battleground Road between Skip Liming Drive and Linwood Drive	Both sides
Carter Street from Cedar Street to Kistler Street	Both sides
Church Street from distance of 150 feet west from intersection with South Academy Street	South side
Church Street from Government Street to Aspen Street	South side
Church Street from South Aspen to South Academy	North side
Circle Drive from its western intersection with East Main Street to its eastern intersection with East Main Street	South side
Deaton Avenue from North Aspen Street to Mauney Drive	Both sides
Dixon Street from Sunset Drive to North Aspen Street	Both sides
East Catawba Street, 1100 Block, east to end of Catawba Street	East
East Main Street, extending from Laurel Street in an easterly direction to North Flint Street	North side
East Main Street from Cedar Street to South Flint Street	South side
East Main Street from Flint Street to No. 321 By-Pass	Both sides
East Park Drive between Rhodes Street and Jennings Street	Both sides
East Pine Street from Oak Street to Flint Street	Both sides
East Rhodes Street from Aspen Street to Academy Street	South side
East Sumner Street extending a distance of 150 feet west toward Poplar Street from intersection with North Cedar Street	Both sides
East Water Street from Academy Street to Flint Street	South side
Grier Street from Government Street to Motz Avenue	East side
High Street from intersection of Church Street north to intersection with West Pine Street	East side
J.Rurel Street from Congress Street to No. 321 By-Pass	Both sides
Laurel Street from Main Street to Church Street	Both sides
Laurel Street from Sycamore Street to Main Street	Both sides
Lee Avenue	West side
Mauney Drive from North Aspen Street in a westerly direction until it dead-ends	Both sides
McBee Street from North Poplar Street to North Cedar Street	Both sides
McBee Street from Poplar Street to Cedar Street	South side
North Aspen Street from Pine Street to Dixon Street	East side
North Aspen Street from Walker Branch to city limits	Both sides
North Cedar Street extending from Sycamore Street north to East Vine Street	East side

North Flint Street from East Main Street, north to East Hoke Street	West side
North Flint Street from the bridge crossing Walkers Branch to the intersection of U.S. Highway 321	East side
North Poplar Street from ~~McBee Street~~ East Sycamore Street to Sumner Street	East side
Poplar Street from Main Street to railroad bridge	East side
Railroad Street from East Main Street to Edgewood Drive	South side
Rhodes Street from Academy Street to Poplar Street	Both sides
Riverside Drive to city limits line	Both sides
Skip Lawing Drive	East side
South Aspen Street, a distance of 145 feet from the north edge of the railroad bridge and the east side of South Aspen Street a distance of 145 feet from the north edge of the railroad bridge. (The area restricted by this is in front of the Southern Bell building on both sides of South Aspen Street extending from the bridge northward 145 feet)	West side
South Aspen Street between Cherry Street and Dixon Street	East side
South Aspen Street between Rhodes Street and Motz Avenue	West side
South Edwards Street from East Main Street south to intersection with East Gaston Street	South
South High Street, 300 block, between Church Street and Congress Street	East side
South Linden Street from East Gaston Street to East Lincoln Street	
South Poplar Street from Water Street to the south side of the bridge	Both sides
Sunset Drive from Skip Lawing Drive to Dixon Street	Both sides
Sycamore Street from Court Square to High Street except on north side at City Hall	Both sides
Sycamore Street from Flint Street to North Poplar Street	~~Both sides~~ North side
Water Street from Court Square to ~~Academy Street~~ Flint Street	South side
West Childs Street from South Madison Street to South Grove Street	South side
West Park Drive between Rhodes Street and Jennings Street	Both sides
West Water Street from South Government Street to Court Square	North side

(Prior Code, § 13-30) (Ord. passed 11-6-1980; Ord. passed 8-9-1983; Ord. passed 11-15-1984; Ord. passed 8-25-1985; Ord. passed 7-10-1986; Ord. passed 10-9-1986; Ord. passed 5-3-1990; Ord. passed 10-4-1990; Ord. O-25-93, passed 9-2-1993; Ord. O-26-93, passed 9-2-1993; Ord. O-48-96, passed 12-5-1996; Ord. O-73-99, passed 8-5-1999; Ord. O-74-99, passed 8-5-1999; Ord. O-11-01, passed 9-6-2001; Ord. O-06-02, passed 9-5-2002; Ord. O-01-03, passed 2-13-2003; Ord. O-06-08, passed 12-4-2008) Penalty, see § 70.99

SCHEDULE II: PARKING ~~PROHIBITED FROM 1:00 A.M. TO 6:00 A.M.~~ ENFORCED MONDAY-FRIDAY 8:00 A.M. TO 4:00 P.M.

Except as otherwise permitted in Chapter 75, Schedule IV:

~~Prohibition~~ Enforced	***Location***
Parking ~~prohibited from 1:00 a.m. to 6:00 a.m.~~ enforced Monday-Friday 8:00a.m. to 4:00 p.m.	All hard surfaced streets

(Prior Code, § 13-31) (Ord. O-07-04, passed 12-9-2004) Penalty, see § 70.99

SCHEDULE III: PARKING LIMITED TO TWO HOURS OR AS DESIGNATED IN THE SCHEDULE BELOW, EXCEPT SUNDAY AND PUBLIC HOLIDAYS.

Except as otherwise permitted in Chapter 75, Schedule IV, parking is limited ~~to two hours~~ on the following streets or portions of streets.

Academy Street – 2 hours
Aspen Street – 2 hours
Cedar Street – 2 hours
Court Square – 2hours
Main Street 100 and 200 blocks – 2 hours
Main Street 300 block – 3hours
Main Street 400 block – open parking
Poplar Street – 2 hours
Sherrill Avenue, the west side, from Alexander Street to Hoke Street – 2 hours
South Poplar Street, the west side, from East Main Street to East Water Street – 2 hours
N Poplar, the east side, from E Pine to E Mcbee- open parking
Sycamore Street from Court Square to N Academy – 2 hours
Sycamore Street from N Flint Street to N Academy- open parking
Water Street from Court Square to Poplar Street – 2 hours
West Main Street (both north and south sides), from the Court Square to Government Street -2 hours
West Water Street, the south side, from South Government Street to Court Square – 2 hours
City Hall parking lot limited to 30 minutes for public parking

(Prior Code, § 13-32) (Ord. O-07-04, passed 12-9-2004) Penalty, see § 70.99

SCHEDULE IV: PARKING AT COURT SQUARE.

Location	*~~Prohibition~~Enforced*
Court Square, the entire area surrounding the courthouse, beginning at the intersection of East Main Street and Court Square and continuing around the Court Square to the intersection of Court Square and West Main Street and then continuing around the Court Square from West Main Street to East Main Street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block north, on Academy Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block north, on Cedar Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block north, on Laurel Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block north, on North Poplar Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.

East Main Street, two blocks south, on Academy Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block south, on Cedar Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block south, on Laurel Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, one block south, on South Poplar Street, both sides of the street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.
East Main Street, parking on the north and south side, from the intersection of East Main Street and Court Square to the intersection of East Main Street and Laurel Street	All parking, except in those designated 24-hour parking spaces limited to ten and 15 minutes shall be ~~prohibited~~ enforced between the hours of ~~11:00 p.m. and 5:00 a.m.~~ 8:00 a.m. and 4:00 p.m.

(A) Upon application to the Chief of Police, parking shall be allowed on those streets where it is prohibited during specified hours where certain conditions are met. Application may be made to the Chief of Police in writing by a responsible official of an organization conducting a meeting in the Central Business District at least 24 hours prior to the time the meeting is scheduled to be conducted. Approval by the Chief of Police of the application shall suspend enforcement of the no parking provision for that period in question.

(B) The Chief of Police shall have the authority to issue parking permits upon proper written application. (Prior Code, § 13-34) (Ord. passed 2-11-1988; Ord. O-28-93, passed 11-4-1993; Ord. O-06-05, passed 9-1-2005; Ord. O-07-04, passed 12-9-2004) Penalty, see § 70.99

SCHEDULE V: HANDICAPPED PARKING.

The following parking areas or spaces shall be reserved and designated as parking areas for handicapped citizens upon the city posting signs and/or street markings designating the areas for handicapped parking.

Location	*Number of spaces*
East Main Street, north side	One space
East Main Street, south side between Academy Street and Poplar Street	One space
East Main Street, south side, between the Court Square and Academy Street	One space
East Sycamore, south side, adjacent to the entrance of the First Methodist Church between North Academy and North Poplar Street	One space
East Sycamore Street, north side, between the Court Square and North Academy Street	One space
North Cedar Street, east side, adjacent to the entrance of the Lincoln Cultural Center between East Main Street and East Sycamore Street	One space
North Cedar Street, west side, adjacent to the entrance of Saint Luke's Episcopal Church between East Pine Street and East McBee Street	Three spaces

South Aspen Street, west side, adjacent to the entrance of Emmanuel Lutheran Church between West Church Street and West Water Street	Two spaces
West Main Street, north side, between Government Street and the Court Square	One space

(Prior Code, § 13-35) (Ord. O-05-00, passed 8-3-2000; Ord. passed 9-1-2008; Ord. O-05-08, passed 9-11-2008) Penalty, see § 70.99

Cross-reference:

Handicapped parking, see § 72.02

SCHEDULE VI: DIAGONAL PARKING.

All vehicles shall be parked at an angle of approximately 45 degrees with the curb on the following streets or portions of streets.

Street	*From*	*To*	*Side*
Cedar Street	From Main Street	To Water Street	East side only
Court Square		West side only	
Main Street	From intersection of Cedar Street	To Court Square	Both sides
Main Street	From Court Square	To Government Street	North side only
Oak Street	From East Main Street half way	To Water Street	Both sides
N Poplar Street	East Sycamore Street	To East Pine Street	West Side

(Prior Code, § 13-36) Penalty, see § 70.99

ITEM

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2016 - 2017
CITY OF LINCOLNTON
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****Nominated by an elected official***

ITEM

15

CITY OF LINCOLNTON

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

CITY MANAGER
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CITY CLERK
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donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

(BA-01-2017)

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2017.

Section 3: To amend the Powell Bill Fund, the expenditures are to be changed as follows:

ACCOUNT NUMBER	DEPARTMENT/ACCOUNT DESCRIPTION	INCREASE	DECREASE
27-20-4550-588	First Federal Park	100,000.00	
27-20-4550-589	Culvert Repairs	85,000.00	0.00
		185,000.00	0.00

This will result in a net increase of $ 185,000.00 in the expenditures of the Powell Bill Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

ACCOUNT NUMBER	DEPARTMENT/ACCOUNT DESCRIPTION	INCREASE	DECREASE
	OTHER FINANCING SOURCES		
27-20-3991-900	Appropriation from Fund Balance	185,000.00	
		185,000.00	0.00

Section 5: To amend the Water & Sewer Fund, the expenditures are to be changed as follows:

ACCOUNT NUMBER	DEPARTMENT/ACCOUNT DESCRIPTION	INCREASE	DECREASE
	DISTRIBUTION AND COLLECTION		
61-91-7110-500	Capital Projects	278,000.00	0.00
	Pump Stations- Carryover ($100,000)		
	Emergency Repairs		
	Walmart Sewer Line ($50,000)	278,000.00	0.00
	Trotter Apts Sewer Line ($28,000)		
	Heather Drive- Water Line ($62,000)		
	Eureka Mill- Water Line ($38,000)		

This will result in a net increase of $ 278,000.00 in the expenditures of the Water & Sewer Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

This will result in a net increase of $ 278,000.00 in the expenditures of the Water & Sewer Fund. To balance the adjustments to the budget, the following revenues have also been changed with a corresponding net effect.

ACCOUNT NUMBER	DEPARTMENT/ACCOUNT DESCRIPTION	INCREASE	DECREASE
	OTHER FINANCING SOURCES		
61-91-3991-900	Appropriation from Fund Balance	278,000.00	
		278,000.00	0.00

Section 13: Copies of these budget amendments shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Director for their direction.

Adopted this 6th day of April, 2017.

Donna C. Flowers
City Clerk

Ed L. Hatley
Mayor

ITEM

16

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

THROUGH: Steve Zickefoose, City Manager

SUBJECT: Proposed Revisions to Business Improvement Grant Program Policy (P-01-17)

DATE: April 6, 2017

With several months of administration of the recently adopted Business Incentive Grant (BIG) program behind us, staff is recommending a minor process improvement. Staff's recommendation is to revert back to having separate applications for business incentive grants, facade grants and architectural services grants.

The various grant programs have different criteria and separate applications for each program will allow for applications that are tailored to the specific nature of the request. Staff recommends use of the former applications for the facade grants and the architectural services grants and the attached revised application for the Business Incentive Grant program. See attached amended BIG application.

ACTION REQUESTED:

Approval of revised Business Incentive Grant application.

City of Lincolnton

Business Incentive Grant Program Policy

Purpose

The purpose of the City of Lincolnton Business Incentive Grant program is to promote economic development opportunities by offering new or expanding small businesses matching cash grants to partially defray the cost associated with start-up improvements or expansion projects ~~façade improvements, architectural services or new or improved signage~~ thereby freeing business capital at a time when it is most urgently needed. This program will benefit the City of Lincolnton with increased tax base, expanded job opportunities and increased payroll in our community.

The Business Incentive Grant will be an economic development activity that supports the goals and objectives of the City of Lincolnton Strategic Plan. It is intended to assist business owners with building renovations and rehabilitations ~~facade improvements and new or improved signage~~ which encourage economic development in Lincolnton.

The following guidelines govern the Business Incentive Grant program. This set of guidelines shall be subject to periodic review and revision. Funding for the program may be discontinued at any time at the discretion of the City.

Guidelines

1. **A completed business plan must be submitted with the application.**
2. **Applicants must adhere to applicable City of Lincolnton ordinances and code requirements, such as building codes, zoning regulations, etc.**
3. **Grants are provided to help with correction of building code violations, building renovations, building rehabilitations, ~~facade improvements, signage,~~ etc. Only one grant will be provided to a business per calendar year. Funds are for fixed items only and not for inventory, furnishings or non-fixed items.**
4. **The applicant must secure a two-year lease, if leasing.**
5. **Provides 50% of the total cost of approved projects up to $15,000 for eligible expenditures for properties located within the Central Business District (see attached map) and up to $5,000 for eligible expenditures on properties located**

elsewhere in the City limits. However, the City may not award the total amount requested.

6. Each application shall be treated on a case-by-case basis.
7. Since each application will be different, and reviewed on a case-by-case basis, the applicant may be required to submit additional information.
8. The Business Incentive Grant program is not intended to provide financial assistance to fiscally unsound businesses.
9. Business Incentive Grant program applications will be reviewed by the Steering Committee with final consideration and approval given on each grant application by City Council.
10. Business Incentive Grant program approval will be made at the sole discretion of the City Council and will depend on the availability of funds.
11. The intent of the Business Incentive Grant program application process is not to burden the applicant business with extensive research, but to provide the Steering Committee and City Council with information to make appropriate recommendations and decisions.
12. Only one Business Incentive Grant may be awarded to an individual business per calendar year. The business, receiving such grant, must wait 365 days before applying for another Business Incentive Grant through this program.

Business Incentive Grant program applications will be evaluated on each of the following factors. The application should be developed according to the following criteria for each factor:

Business/Organization/Business Plan Description (15%): Does the application describe the business/organization history or business plan? Does the application describe the nature of the business conducted in the City of Lincolnton? Does the application provide previous year business financial information and cash flow? Does the application clearly demonstrate sound and sustainable business financing? Does the application describe the value of resources other than labor purchased in the City of Lincolnton? Does the application describe the percentage of goods and services performed in the City of Lincolnton? Does the application describe the number of fulltime and part-time workers employed by the business/organization? Does the application describe the benefits provided to employees?

Project Description (30%): Does the application clearly describe the project? Does the application clearly delineate the project's expected costs and revenues? Does the

application clearly describe the project's timeline? Does the application clearly describe the project's management? Does the application describe how the project is sustainable over a period of time? Does the application describe the project's direct and measurable results with full economic impact within three years? Does the application describe project risks and mitigation plans?

Scope of Impact (20%): Does the application clearly describe how the project supports the economic development goals and objectives of the City of Lincolnton Business Incentive Grant program? Does the application describe how the project supports increased economic activity in the City of Lincolnton? Does the application project the economic impact to the City of Lincolnton over three years? Does the application describe how Lincolnton residents will benefit from this project?

Leveraging Resources (20%): Since projects that leverage additional sources of support will be given preference in the Business Incentive Grant program, does the application describe any and all additional sources of cash and in-kind support for the project? Does the application clearly indicate matching/leveraged resources in the project budget? Does the application describe how Business Incentive Grant program funds will be applied?

Accountability (15%): Does the application describe predicted results that will be reported to the Steering Committee annually over three years? Does the application clearly describe how predicted results are easily measured, reported, and verified? Does the application describe how predicted results link to project goals, objectives, and activities?

Contact:

Laura Elam, Planning Director

Planning Department

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Lincolnton, NC 28092

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ITEM

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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
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CITY CLERK
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CITY ATTORNEY
Thomas J. Wilson, Jr..

TO: Mayor and City Council Members

FROM: Donna C. Flowers, City Clerk

SUBJECT: 2017 Municipal Election

DATE: March 31, 2017

Recently I received an email from Bradley Putnam, Director of the Board of Elections, regarding the filing fees for the 2017 Municipal Election. Filing fees were last set by Council in April 2015 with the fee to file for the Mayoral seat being $ 48.00. A Council member seat was set at $ 36.00.

In accordance with state statute, filling fees cannot exceed one percent of the annual salary of the elected position. Based on the current salaries of these positions, the fees could be set at $ 80.00 for the Mayor's seat and $ 48.00 for a Council member's seat.

Filling will begin on Monday, July 7th at 12 noon and will end on Friday, July 21st at 12 noon. The City election dates are as follows; Tuesday, September 12th is the date for a Primary to be held if necessary and the General Election will be held on Tuesday, November 7th. This election will include the Mayor's seat, elected for a two year term; Ward 1 – elected for a four year term; Ward 2 – elected for a 2 year term and Ward 3 – elected for a four year term.

The proposed election cost, according to Bradley Putnam – Director of the BOE, is between $ 28,000.00 and $ 32,000.00. Council will need to take official action setting the filing fees at our April 6th meeting. Should you have any questions please feel free to contact me.

ITEM

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CITY OF LINCOLNTON

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

CITY MANAGER
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donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager

SUBJECT: Generals Boulevard Project Update

DATE: April 6, 2017

As you know, staff reported at the budget retreat that the Generals Boulevard Project estimate is $640,000 over budget. This does not include funding for underground electrical ($207,000) or contingency reserve ($125,000).

The price changes are related to NCDOT changes that were added to the original scope of project.

Mayor Hatley, Laura Elam, Steve Peeler and I met with NCDOT representatives today that included, Mark Stafford, Michael Poe and Jackie McSwain. Leonard Fletcher, the TES engineer, was also present. On the surface it appears that the meeting was productive.

In summary, Mark Stafford was not clear on how or why the design changes came about. Typically a project such as this does not involve this level of NCDOT changes. Also, NCDOT can also cover more of the paving and marking costs than we were previously told. Mr. Stafford indicated that, together, we can take a look at the initial plans and see what can be done to adjust the latest version to more closely fit the initial plan. We will begin this process immediately.

New estimates will be done that will give us an updated idea of the project costs. These will be shared with Council as soon as they are available.

Representative Saine has asked to be kept up to date on this as well.

ITEM

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April 2017 Council Meeting

Executive Summary
February 2017 Year-To-Date

General Fund		16-17	% of Budget	15-16	Difference
Fund 10	Revenues	7,322,133.11	60.87%	6,962,295.08	359,838.03
	Personal Services	5,180,659.20		5,214,869.69	(34,210.49)
	Supplies & Materials	238,109.53		222,617.55	15,491.98
	Current Obligations	370,877.96		323,069.22	47,808.74
	Fixed Charges	(872,921.39)		(818,577.89)	(54,343.50)
	Capital Outlay	644,995.91		420,529.47	224,466.44
	Contracts/Grants	443,662.41		384,327.30	59,335.11
	Debt Service	56,432.94		33,742.94	22,690.00
	Expenses	6,061,816.56	57.12%	5,780,578.28	281,238.28
	Difference	1,260,316.55		1,181,716.80	78,599.75

Water & Sewer Fund		16-17	% of Budget	15-16	Difference
Fund 61	Revenues	5,581,896.53	63.04%	5,775,186.80	(193,290.27)
	Personal Services	1,220,859.49		1,221,462.39	(602.90)
	Supplies & Materials	267,226.44		269,360.00	(2,133.56)
	Current Obligations	431,976.56		354,092.47	77,884.09
	Fixed Charges	805,517.51		861,037.47	(55,519.96)
	Capital Outlay	869,944.03		220,216.57	649,727.46
	Contracts/Grants	118,287.13		116,664.39	1,622.74
	Debt Service	135,573.86		160,730.52	(25,156.66)
	Inv.,Interfund	252,730.64		252,730.64	-
	Expenses	4,102,115.66	53.97%	3,456,294.45	645,821.21
	Difference	1,479,780.87		2,318,892.35	(839,111.48)

Electric Fund		16-17	% of Budget	15-16	Difference
Fund 63	Revenues	5,176,435.23	66.33%	4,971,286.55	205,148.68
	Personal Services	298,196.40		314,989.93	(16,793.53)
	Supplies & Materials	34,133.35		49,424.12	(15,290.77)
	Current Obligations	3,824,298.54		3,757,840.72	66,457.82
	Fixed Charges	533,347.85		552,110.54	(18,762.69)
	Capital Outlay	54,355.23		78,033.77	(23,678.54)
	Contracts/Grants	-		-	-
	Inv.,Interfund	17,316.64		17,316.64	-
	Expenses	4,761,648.01	62.72%	4,769,715.72	(8,067.71)
	Difference	414,787.22		201,570.83	213,216.39

Overtime	80+ hours	184,149.00		210,483.00	(26,334.00)

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