

A G E N D A

LINCOLN TON CITY COUNCIL

October 5, 2017

7:00 p.m.

Council Chambers

City Hall

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

*ANYONE WISHING TO SPEAK
DURING THE PUBLIC COMMENT
PORTION OF THE AGENDA
PLEASE SEE THE CITY CLERK PRIOR
TO THE MEETING TO SIGN UP
NON-AGENDA ITEMS WILL BE
DISCUSSED AND SPEAKERS WILL BE
LIMITED TO THREE (3) MINUTES
A COPY OF THE RULES FOR PUBLIC COMMENT
ARE AVAILABLE AT THE CITY CLERK'S DESK*

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

A G E N D A

LINCOLN CITY COUNCIL

October 5, 2017

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. Approval of Regular Agenda

2. Approval of **CONSENT AGENDA:**

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

3. Approval of Minutes from the September 7, 2017 – Regular Meeting

4. **Call to Public Hearing for the November 2nd regular City Council meeting:**

- CUP-6-2017- Application from William McDaniel requesting a conditional use permit to operate a Tavern in the Planned Business (PB) District. The subject property is located within the Lincoln Plaza Shopping Center at 1565 North Aspen Street (Parcel ID 57488).
- CUP-7-2017-Application from HWP Realty, LLC requesting renewal of a conditional use permit, issued in 2015, to construct a pharmacy in the Planned Business (PB) and Special Highway Overlay (SHO) Districts. The subject property is located on the south side of East Main Street approximately 350 feet east of the intersection of East Main Street and U.S. Highway 321 (Parcel ID 91738).
- CUP-8-2017- Application from Concord Properties requesting approval of a conditional use permit to construct a Restaurant in the Planned Business (PB) and Special Highway Overlay (SHO) Districts. The subject is located on the south side of East Main Street approximately 650 feet east of the intersection of East Main Street and U.S. Highway 321 (Parcel ID 22484).

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CONTINUED CALLS TO PUBLIC HEARING for OCTOBER 5th:

- CU-ZMA-3-2017- Application from Greg Houser requesting a conditional rezoning from R-25 to CU-NB District for the purpose of constructing a Dance Studio. The subject property is located on the east side of Startown Road approximately 750 feet north of the intersection of Startown Road and Reepsville Road (Parcel ID 21757)
 - CU-ZMA-4-2017- Application from Carl Jenkins requesting a conditional use rezoning from R-8 to CU-RO District for the purpose of operating a Funeral Home. The subject property is located at 406 Battleground Road (Parcel ID 17847).
 - ZTA-5-2017- Application from the Lincolnton Planning Department requesting an amendment to Section 153.315 of the Unified Development Ordinance to text and map to modify the provision regarding consistency with the comprehensive plan to conform to recently adopted state legislation.
 - ZTA-6-2017- Application from the Lincolnton Planning Department requesting an amendment to Section 153.031 of the Unified Development Ordinance to amend the definitions of the terms “Subdivision” and “Minor Subdivision” to comply with recently adopted state legislation.
5. Approval of Resolution (R-08-2017) to surplus Lincolnton Police Department Patrol Officer Kameron Keener’s service weapon and badge upon his retirement – November 1, 2017
6. Proclamation – Public Power Week – October 1st through 7th, 2017
7. Proclamation – Dyslexia Awareness Month – October 2017

REGULAR AGENDA

RESOLUTION

(R-09-17)

8. Presentation of retirement resolution to LPD – Patrol Officer Kameron Keener

Mayor Hatley

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RESOLUTIONS
(R-10-17)

- 9. Presentation of retirement resolution to LFD – Fire Engineer David Ford**

Mayor Hatley

PRESENTATIONS

- 10. Presentation of the Key to the City to the following Medal of Honor Recipients;**

**Walter “Joe” Marm – Col US Army (Ret)
and**

North Carolina native Robert Martin Patterson – CSM US Army (Ret)

Mayor Hatley

- 11. Presentation of Proclamation to Jon Henderson, Unit Commander of Mecklenburg County Young Marines USMC; Hunter Hulette Lincoln County Recruit - Proclaiming October 23 – 31, 2017 as Young Marines Red Ribbon Week**

Mayor Hatley

- 12. Recognition of service – (Served on the Lincolnnton-Lincoln County Airport Authority as City appointees until recent legislation changed the Authority’s make-up, ending their service):
Fred Houser served from 2012 to 2017 and Leon Harmon served from 2013 to 2017 as City Appointees**

Mayor Hatley

PUBLIC HEARING

- 13. Proposed amendment to the City’s Code of Ordinances – Title VII – Traffic Code – Traffic Schedules (Schedule VII) Speed Limits on City Maintained Streets. *CHANGING* the speed limit on Periwinkle Street from 35 mph to 25 mph**

Rodney Jordan, Chief of Police

AGENDA

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POLICY

(P-06-17)

- 14. Consideration of a revision to Administrative Policy – Service Award Program to become effective October 5, 2018 if approved**

Tanya Osborne, Human Resources Director

OTHER BUSINESS

- 15. Recommendation from Steering Committee regarding a Vision Statement**

Brett Hicks, Executive Director of DDA

- 16. Recommendation from Steering Committee regarding Noise Ordinance**

**Fred Jarrett, Chair
Lincolnton Steering Committee**

- 17. Monthly Financial Report/Overtime Report**

Steve Zickefoose, City Manager

PUBLIC COMMENT

*Speakers will be limited to three (3) minutes to address Mayor and City Council
Concerning Non-Agenda Items.*

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

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - SEPTEMBER 7, 2017

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

The following Council members were in attendance:

SMITH BLACK EADDY JETTON

Mayor Hatley called the meeting to order and led the Pledge of Allegiance.

Councilman Eaddy made the motion unanimously approved the REGULAR AGENDA, with the addition of an update regarding the forecast/status of Hurricane Irma to the end of the agenda.

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

- Approved Minutes of the August 3, 2017 – Regular Meeting
- Approved changes to State Health Plan Employee Contributions – internal changes creating a pay code for insurance stipend
- Approval of payment of \$ 400 bonus to all full time City Employees, as included in the 2017-18 fiscal year budget

REGULAR AGENDA

PRESENTATION OF PROCLAMATION RECOGNIZING CONSTITUTION WEEK – SEPTEMBER 17 THROUGH 23, 2017 TO MEMBERS OF DAUGHTERS OF THE AMERICAN REVOLUTION – LINCOLNTON CHAPTER:

Mayor Hatley called on Annette Carpenter and Ruby Park to come forward and receive a proclamation recognizing Constitution week. The proclamation read as follows:

WHEREAS, September 17, 2017 marks the Two Hundred and Twenty-Ninth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the tradition of celebrating the Constitution was started many years ago by the Daughters of the American Revolution (DAR) to inform the

REGULAR MEETING - SEPTEMBER 7, 2017

people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation through patriotic celebrations across the United States that will commemorate the occasion; and

NOW, THEREFORE, I, Ed Hatley, Mayor of the City of Lincolnton, do hereby proclaim September 17 through 23, 2017 as **CONSTITUTION WEEK** in the City of Lincolnton, and ask our citizen's to reaffirm the ideas the Framers of the Constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Lincolnton in the state of North Carolina on this seventh day of September in the year of our Lord two thousand seventeen.

PRESENTATION FROM APPLE FESTIVAL BOARD CHAIR – NEW EXHIBIT THAT WILL HIGHLIGHT LOCAL INDUSTRY DURING APPLE FESTIVAL:

Carole Howell, Coordinator of Lincoln County Apple Festival, spoke to Council regarding the 2017 Apple Festival and new events planned. They have reached out to the school system, trying to get them involved again as in past years, to see if they can hold an essay and poetry contest. Carol said, "The prompt for that is "How does the Lincoln County Apple Festival contribute to or enhance our community", and prizes will be given to the winners. She said food vendors have said they make anywhere from \$ 2,000 to \$ 4,000 in a day, with more than fifty food vendors registered to participate this year. Lincoln County Extension and Community Gardens has compiled a cookbook which will be available with over twenty-five years of cooking contest recipes. She also said there will be a scavenger hunt where festival attendees will visit downtown stores to search for these items. She was excited about this addition.

Mr. John Dancoff, updated Council on the new large exhibit, Destination Innovation, which spotlights manufacturing in Lincolnton and Lincoln County, sponsored by Timken. This air conditioned tent will house many local manufacturers in the First Federal Parking lot. Videos of local manufacturers and NC Works for Veterans opportunities will also be available. He encouraged Mayor and Council as well as citizens in attendance to attend the Apple Festival this year. They distributed Apple Festival T-Shirts to elected officials and staff to wear to the event on Saturday, September 16, 2017.

REGULAR MEETING - SEPTEMBER 7, 2017

**INTRODUCTION OF THE NEWLY APPOINTED
SUPERINTENDENT FOR LINCOLN COUNTY SCHOOL SYSTEM
- DR. LORY MORROW:**

Mayor Hatley recognized Dr. Lory Morrow, Superintendent of Lincoln County Schools. Dr. Morrow addressed Council, thanking them for the opportunity to attend the meeting. She said she has been on the job for one month and has had eight successful days of school. She said she is a career educator and has been an educator for twenty-six years. She has worked in four school systems, and most recently served as Superintendent of Davidson County Schools. She has lived in the Cornelius area for twenty years. She is glad to be back close and has admired this school system for some time and is honored and humbled to be our Superintendent. Mayor Hatley thanked her for attending and welcomed her to Lincolnton.

**APPLICATION FROM FLOYD DEAN REQUESTING THE
REZONING OF APPROXIMATELY ONE ACRE OF LAND FROM
RESIDENTIAL-25 (R-25) TO PLANNED BUSINESS (PB)
DISTRICT. THE SUBJECT PROPERTY IS LOCATED WEST SIDE
OF WEST NC 150 HIGHWAY APPROXIMATELY 500 FEET SOUTH
OF THE INTERSECTION OF WEST NC 150 HIGHWAY AND
WEST NC 27 HIGHWAY (PARCEL ID 21438) :**

ZMA-2-2017

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above said request. The property is located in the City's extraterritorial jurisdiction and is currently a vacant wooded lot. Laura said properties located to the north and east are zoned P-B and properties located to the south and west are zoned R-25. Properties surrounding the site are a mixture of residential and commercial uses.

Laura further reviewed the Land Use Plan requirements noting the applicant would not be in compliance with the land use plan with the current plan shown, depicting the property in the Residential Suburban Planning Area. She said if the site were rezoned to PB (Planned Business), any use permitted within that PB District could potentially be allowed. After some discussion, Laura concluded noting that the site's location on a thoroughfare with nearby commercial zoning and land uses warranted consideration of the request from staff's perspective. She said, "However, concerns were raised by nearby residential property owners at the Planning Board meeting including the

REGULAR MEETING - SEPTEMBER 7, 2017

potential impact on the neighborhood from additional traffic, noise and lights.” She said there was discussion with the applicant regarding potential conversion to a conditional rezoning request so that a specific development site plan could be considered but the applicant indicated he is unable to do that. Traffic was cited as a major concern from the neighbors as well. For these reason, Laura said the Planning Board recommends denial of the request.

Councilman Jetton questioned the traffic from the Charter school on Highway 27. Laura felt the neighbors concerns were both Hwy 27 and Hwy 182, although traffic from the Charter school is early morning around 7:30 am and again around 3:00 p.m. with people driving to and from.

Councilman Eaddy said he drove out today and has residents on both sides and to the rear and I would be real hesitant to open it up to any of the possible businesses listed. He questioned if there was an indication why the applicant did not want to take the conditional use permit route. Laura said time was a factor when she mentioned the CUP process to him.

After some discussion, Mayor Hatley asked if any had signed to speak. The City Clerk said that while no one signed prior to the hearing, they could come forward state their name at the podium and have three minutes to speak to the subject.

Mr. Harry Avery, spoke on behalf of his daughter Dana who lives beside the site requested, against the rezoning. He stated this location was not the place for more business in his opinion. There is too much traffic and there is no sewage on highway 150 west, and this is not the place for more traffic, lights or noise. He referenced a petition that had been signed from property owners in the neighborhood against the rezoning.

Mr. Jeff Ledbetter, who operates a business directly across the street from the property, spoke in favor as he said the more business you could locate on the west side would be good for businesses and the west side of town. He said, “I don’t see how you can take one acre of land and create a noise problem it is just not the enough space to do it.” “I think more development on the west side would be a good thing for Lincolnton. We are for commercializing the property.”

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Mr. John Houser, owner of Houser Camper, also spoke in favor of the request. He said, "I have ladies bring horse trailer for me to work on and it would be nice to have a place close to get something to eat. They could walk across the road or take my golf cart to this location. Those of us across the river shouldn't have to go to Boger City to get something to eat. I am in favor of the request."

Mr. Mike Cline, a former LEDA member and owner of property just behind Carolina Trust Bank, also spoke in favor of the request. He said as a former LEDA and Chamber of Commerce member he is for more business and pro growth.

With no one else requesting to speak, Councilman Black made the motion unanimously approved to close the Public Hearing.

The applicant Mr. Dean then questioned why he was not able to speak. While he had not signed or indicated he wished to speak, the Clerk confirmed that Mayor Hatley had the right to allow him to speak to the rezoning as the applicant.

Mayor Hatley reopened the public hearing.

Mr. Floyd Dean, the applicant, said his house directly behind the lot is his home. He said, "The timeframe on buying the property and closing is very short that is one reason I do not have a conditional use. I know the neighborhood pretty well and several properties adjoining the property are in favor of the request. I would do nothing to harm any property owner in that area. The City has in place the means of protecting the Avery property through means of a fence or whatever the City would like for her to do." He also said he has the capability of obtaining an easement for sewer on the Highway 27 west side."

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

Councilman Jetton made the motion to grant the rezoning request. Councilman Eaddy questioned Laura as to why staff decided that was not in congruence with the UDO. She said the Land Use Plan recognizes residential and at the Planning Board meeting there were concerns from residential

REGULAR MEETING - SEPTEMBER 7, 2017

property owners that led to the Planning Board recommending denial, while staff felt the rezoning could be approved. Laura said the concerns raised by the residential property owners could not be answered without a site plan. Therefore the Planning Board recommended denial.

After further discussion, Mayor called the vote on Councilman Jetton's motion to approve the rezoning. The motion failed by a three to one vote with Councilmen Smith, Black and Eaddy voting no.

PUBLIC HEARING TO RECEIVE INPUT ON RENAMING OF A PORTION OF ABERNATHY STREET TO MARTIN LUTHER KING, JR. DRIVE AS RECOMMENDED BY THE LINCOLNTON PARKING COMMITTEE:

Mayor Hatley opened the Public Hearing. City Manager Steve Zickefoose gave the following report to Council:

- Consideration of request from Coalition of Churches in renaming Abernathy or Hollybrook to Dr. Martin Luther King, Jr. Drive
 - *Committee recommends renaming of Abernathy from the north side Main Street to East Pine to Dr. Martin Luther King, Jr. Drive.*
- Consideration of making West Water Street one way between Government and Court Square
 - *No changes recommended.*
- Parking restrictions for over sized vehicles
 - *No changes recommended.*
- Diagonal parking on East Main in front of Post Office
 - *Recommend changing of four diagonal spaces to two parallel spaces for pedestrian safety.*
- Discussed pedestrian safety at crosswalks
 - *City Manager advised that DOT will be repaving soon and that 'stamped' crosswalks are a definite possibility. These provide much higher visibility for safety purposes.*

Dennis Poston and Portia Williams also spoke in favor of renaming Abernathy Street, from Main Street North, crossing over Pine to dead end. They ask that if approved the City please notify them once signs were changed as they will plan an event to recognize the change to honor Dr. Martin Luther King, Jr.

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

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Councilman Eaddy made the motion unanimously approved to change the street name from Abernathy to Martin Luther King, Jr. as requested and recommended.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND TGS ENGINEERS FOR THE HIGHWAY 27 SIDEWALK CONNECTOR - \$ 52,973.46 :

(C-15-17)

Laura Elam, Planning Director, reviewed a memo regarding the proposed contract for the Highway 27 East Bridge. She said, "Earlier this year, City Council selected TGS Engineers to perform design services for the planned sidewalk connector project on the East Main Street Bridge over Highway 321. TGS then submitted a draft cost estimate and contract for those services."

Laura said, NCDOT has finalized a pre-award audit of the cost estimate and we are now ready to enter into contract with TGS. The proposed contract includes the following services for \$52,973.46.

- Project Development & Environmental Analysis
- Location Surveys
- Structure Analysis and Design
- Roadway Design
- Hydraulics and Storm water Design
- Pavement Marking Layout and Design
- Work Zone Traffic Control Plans

She concluded recommending City Council approve the contract and she would give TGS notice to proceed. They would then be able to start work on the design plan and the required environmental documentation.

Councilman Jetton made the motion unanimously approved to enter into the contract with TGS Engineers as recommended for \$ 52,973.46.

CONSIDERATION OF CONTRACT BETWEEN THE LINCOLNTON POLICE DEPARTMENT AND SPILLMAN/MOTOROLA FOR RECORDS MANAGEMENT FOR A TWO YEAR PERIOD:

(C-16-17)

Rodney Jordan, Police Chief, reviewed a draft contract between the City and Spillman RMS for a records management system. Chief Jordan told Council he has been in discussions with the Town of Maiden regarding their contract with Spillman RMS and has heard positive reviews on this company. The Chief said

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the current vendor Southern Software does not offer the tools they need to stay compliant with Federal and State reporting requirements. Southern Software does not currently have a query function to access State or National Databases such as DCI and/or NCIC, these queries must be done through another software application.

Chief Jordan said, "In early 2017 we received a group message from Maiden Police Department inquiring about any agency using an internet based RMS. That internet based RMS was called Nova and made by Spillman."

After further review of the features of Spillman's Flex Software, he reviewed the total cost if the Council would consider entering into this contract. The total contract would be \$ 212,500.00 for the software and training. The yearly maintenance there afterwards would be \$ 26,460.00 per year. This cost was submitted to Scott Hopkins of Motorola who was able to provide a discount of \$ 138,750.00 because of the radio project underway by Lincoln County and the Lincolnton Police Department, to upgrade police radios with 800MHZ police radios.

The final proposal for cost was as follows:

Initial Cost:

Base Cost:	\$ 212,500.00	
Radio Discount	- 138,750.00	= \$ 73,750.00 Discounted Cost

Year two Cost:

Base Cost:	\$ 26,460.00	
Radio Discount:	- 11,000.00	= \$ 15,460.00 Discounted Cost

Year Three Cost:

Base Cost:	\$ 17,506.00	
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He reviewed payment options, maintenance, support and upgrades. He noted that maintenance could increase 0% to 4% with a maximum of 7% a year.

City Manager, Steve Zickefoose said he could use existing dollars within the Police Department budget if approved.

Councilman Eaddy made the motion unanimously approved to enter into the contract as recommended by the Police Chief.

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CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LINCOLN COUNTY FOR THE PURCHASE OF 43(+) ACRES OF LAND FOR DEVELOPMENT AT THE LINCOLNTON-LINCOLN COUNTY AIRPORT

(C-17-17)

Steve Zickefoose, City Manager, said while the City has already reviewed the contracts and had previously approved documents the County requested these contracts be considered based on recent legislation and minor language changes to the contract. The total purchase price of \$ 225,000 for the purchase of 43(+) acres is the same. The County requested we execute these contracts to help them move forward with the process that will help them speed things up.

Councilman Eaddy wanted to provide clarification saying "I keep reading that we are selling the airport. This is 43 acres that we are selling in order to accommodate economic development out there and to allow the County to finance that economic development. In return for that consideration the next item comes up where our expenses obligation has changed for operating cost have changed, we are still half owners of the airport last time I heard." He said, "We are just receiving annual revenues which go toward operations of our organization and reducing our annual obligation to pay out, if I understand that correctly."

Councilman Black made the motion unanimously approved to enter into the agreement as requested.

CONSIDERATION OF CONTRACT BETWEEN THE CITY, LINCOLN COUNTY AND THE LINCOLNTON-LINCOLN COUNTY AIRPORT AUTHORITY FOR FUNDING AND OPERATIONS:

(C-18-17)

Steve Zickefoose, City Manager, said this is the second piece of the Airport Contracts, regarding operational cost and potential revenues that would go to the City. He told Council again the County requested approval of these documents which have minor changes based on legislation changes. "This will help them expedite and begin with project improvements, filling in the land and such and not delaying it for two or three months."

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Mayor Hatley noted this does change our annual payment to about 13% involved in operating costs rather than the annual \$ 60,000.00 the City has been paying. Steve said it could be around a \$ 28,000 cost savings to the City.

Councilman Eaddy made the motion unanimously approved to enter into the agreement as requested.

CONSIDERATION OF THE 22 NOMINEES FROM THE FOUR AREA HIGH SCHOOLS AND THE LINCOLN CHARTER SCHOOL FOR THE LINCOLNTON STUDENT ADVISORY COUNCIL:

(APPT-03-17)

Donna Flowers, City Clerk, reviewed the following list of nominees from the four area county high schools and the Lincoln Charter School:

EAST LINCOLN

Thomas Holmes – Sr.
Maggie Grey – Sr.

Samantha Bartlein – Sr.
*Johnny Pike – Sr.

Emma White – Jr.
Cole Johnston – Jr.

WEST LINCOLN

Jade Carpenter – Sr.
Dylan Smith – Jr.

Chloe Saine – Sr.
Mattie Wyant – Jr.

Sadie Flowers – Sr.

LINCOLNTON HIGH SCHOOL

Charles Robinette, Sr.
Simon Weisenhorn – Sr.
*Ashlyn Rhyne – Jr.

Miller Brogden – Sr.
Mauricio Lozano – Sr.

Hundley Rhyne – Sr.
*Alexandria Bynum – Sr.

NORTH LINCOLN HIGH SCHOOL

Emma McLaughlin – Sr.
Grady Bartro – Jr.

Westley Hunter – Sr.
Allison File – Jr.

Adam Henderson – Sr.

LINCOLN CHARTER SCHOOL

Joseph Vargas - Sr.

Rebecca Quesada - Jr

This year's Council will consist of twenty-five members, twenty-two nominated by the area high schools and three nominated by our (*) elected officials.

Councilman Jetton made the motion unanimously approved to appoint the above stated nominees.

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CONSIDERATION OF APPLICATION FOR THE REVOLVING LOAN FUND (RLF) FOR BUILDING RENOVATIONS FOR NEW BUTCHER SHOP AND DELI AT 114 EAST MAIN STREET:

Laura Elam, Planning Director, reviewed the above request for a revolving loan in the amount of \$ 30,000 which would be secured by the deed of trust on property of applicant Mark Ingle;

- Use: Complete renovation of main floor for a butcher shop and deli including:
 - Installation of new plumbing,
 - Installation of new HVAC system,
 - Installation of new electrical system,
 - Removal of existing partition walls,
 - Removal of existing flooring and ceilings to expose original materials,
 - Refinishing of floors and ceilings,
 - Installation of two new bathrooms,
 - Modification of front and rear exits for handicap accessibility, and
 - Addition of drains and tile in butcher shop, kitchen and baths.
- Total project cost estimate: \$96,000
- Anticipated start: September 2017
- Anticipated Completion: January 2018

Laura concluded saying, “A Staff Committee assessed the application in terms of how well the project aligns with revitalization goals, community and economic impact and credit worthiness of the applicant. The Committee recommends approval of the application. This is a stellar applicant.”

Councilman Black made the motion unanimously approved to grant the loan as requested by the Staff Committee and the Planning Director.

MONTHLY FINANCIAL REPORT/OVERTIME REPORT :

Steve Zickefoose, City Manager, reviewed a spreadsheet of snap shot view of the General Fund, Waster & Sewer Fund and Electric Fund balances as of July 2017. Higher revenue stream will come in during October or November. He noted that overtime, as compared to last year this time, was down

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\$ 1500.00 from the previous year. He credited department heads for helping cut the overtime and said we are getting to the point that these numbers will remain neutral as we have cut overtime back as much as possible. Auditors are in the preparation stage of completing the audit. Steve said, "Preliminary numbers in looking at things I feel we will have a very good report."

UPDTAE ON THE WEATHER FORECAST REGARDING "HURRICANE IRMA":

Steve said he has met with the Lincoln County Emergency Management team, along with our Police, Fire and Public Works and they participated in a conference call with the State Emergency Management to discuss preparedness. Steve said, "Our goal is to plan for the worst, but we go on the data that we have at the time. He said, Hurricane Irma is still four days away, and the path is still subject to change we are just using the predicted path at this time. Based on that information our area will be impacted by high winds potentially three to six inches of rain. The water that flows from the mountain area that is expected to get 7 to 9 inches of rain may be what we have to deal with."

Steve said, "No emergency shelter has been designated at this time and this is a call the County would make not the City. Another meeting is scheduled tomorrow to provide updates and continue discussions and plans of action.

As storm information becomes more concrete we will know how to act upon that information. The County is working on a statement that will be sent out to citizens. We will send out information as well as soon as we have more information. We are following along with the lead of the Lincoln County as they are the Emergency Management Group. That is all the information we have at this time."

Portia Williams questioned how the City would make citizens aware of necessary information regarding the storm. Steve said, "The City will utilize the calling system to message citizens as will Lincoln County and we will post on face book and twitter to get the word out to citizens."

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PUBLIC COMMENT:

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

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
CITY CLERK**

**ED HATLEY
MAYOR**

ITEM #

4

MEMO TO: Steve Zickefoose
Donna Flowers

FROM: Laura Elam

SUBJECT: Agenda Packet for the October 5, 2017 City Council Meeting

DATE: September 25, 2017

PUBLIC HEARINGS

We have no public hearings for the October City Council meeting.

CALLS TO PUBLIC HEARING

There are seven calls to public hearing as follows:

- CUP-6-2017- Application from William McDaniel requesting a conditional use permit to operate a Tavern in the Planned Business (PB) District. The subject property is located within the Lincolnton Plaza Shopping Center at 1565 North Aspen Street (Parcel ID 57488).
- CUP-7-2017-Application from HWP Realty, LLC requesting renewal of a conditional use permit, issued in 2015, to construct a pharmacy in the Planned Business (PB) and Special Highway Overlay (SHO) Districts. The subject property is located on the south side of East Main Street approximately 350 feet east of the intersection of East Main Street and U.S. Highway 321 (Parcel ID 91738).
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- ZTA-6-2017- Application from the Lincoln Planning Department requesting an amendment to Section 153.031 of the Unified Development Ordinance to amend the definitions of the terms “Subdivision” and “Minor Subdivision” to comply with recently adopted state legislation.

MONTHLY REPORT

The September 2017 monthly report is attached.

ITEM #

5

RESOLUTION

(R- -17)

WHEREAS, pursuant to G.S. 160A-265 the City of Lincolnton may dispose of personal property in the discretion of the City Council; and

WHEREAS, the City of Lincolnton has the following items of personal property issued to the below named City Police Officer:

Police Officer Kameron Keener – Glock, Model 19, Gen 4, - Serial # YCZ918
And Patrol Badge

WHEREAS, the City Manager shall be authorized to dispose of the property by the direction of the City Council and in accordance with City policy will have \$ 260 (current value of the handgun) deducted from the eligible monetary amount of \$ 600, with a remaining \$ 340 given to him upon retirement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincolnton that the above mentioned property become surplus and be presented to the above named retiree in honor of their tenure and dedication to the City of Lincolnton.

ADOPTED this the 1st day of August 2013.

Ed Hatley
Mayor

Attest:

Donna C. Flowers, MMC
City Clerk

ITEM #

6

P R O C L A M A T I O N
North Carolina Public Power Week, October 1-7, 2017

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service and prompt restoration;

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country;

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years;

WHEREAS, public power meets the electric needs of 40 million Americans, almost 15 percent of electricity consumers;

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and,

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community;

NOW, THEREFORE BE IT PROCLAIMED, that the week of October 1-7, 2017, is Public Power Week, a week to promote North Carolina's public power cities and towns for their contributions to their communities and that NC Public Power communities join with all public power systems in the United States in this celebration of public power.

Adopted October 5th, 2017.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

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 *Dyslexia Awareness Month* *October 2017*

WHEREAS, dyslexia is a language-based learning disability, that affects approximately one in five people, regardless of race, gender, age or socioeconomic status; and

WHEREAS, neurological in origin, dyslexia affects that way the brain processes information, and is characterized by difficulties with reading, writing and spelling despite normal intelligence; and

WHEREAS, those with dyslexia benefit greatly from specialized assistance from highly trained teachers, multi-sensory learning programs and individualized instruction; and

WHEREAS, early identification, alternative instruction and extra support from friends, family and teachers can contribute to the success dyslexic students enjoy in the classroom, in life and later on, in employment.

WHEREAS, dyslexia is defined by the State of North Carolina law, House Bill 149/Session Law 2017-127.

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Ed Hatley, hereby proclaims October 2017 as Dyslexia Awareness Month and encourage all citizens to increase awareness, education, and services for dyslexia.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of October, in the year of 2017.

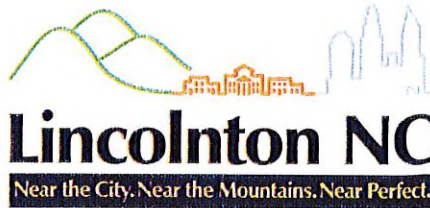
DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

8

CITY COUNCIL
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Thomas J. Wilson, Jr.,

RESOLUTION
Of Appreciation For
(R-09-17)
KAMERON S. KEENER

WHEREAS, *Kameron S. Keener*, began his employment with the City of Lincolnton on March 20, 1985 as a Reserves Division Police Officer with the Lincolnton Police Department. In 1997 he became a full time employee as a Lincolnton Police Officer; and

WHEREAS, *Kameron S. Keener*, has proven his leadership qualities, rising through the ranks in 2001 when he was promoted to a Investigator in the Detectives Division, then in 2007 to a Police Sergeant. Kameron has provided excellent Public Safety to the citizens of Lincolnton and was named Police Officer of the Year through the VFW in 2003; and

WHEREAS, *Kameron S. Keener*, in 2005 received his Intermediate Certificate from the NC Criminal Justice Education and Training Standards Commission and then in 2010 earned his Advanced Law Enforcement Certificate, which is the highest certification awarded by the Training and Standards Division of the North Carolina Department of Justice; and

WHEREAS, *Kameron S. Keener*, transferred to the Police-Community Services Division in 2008 where he has served as patrol for our Downtown, assisting with enforcement of our Alarm and Golf Cart Ordinances and the City's RUOK Program. Kameron plans to retire effective November 1, 2017; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *Kameron S. Keener* honoring him on his upcoming retirement and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

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

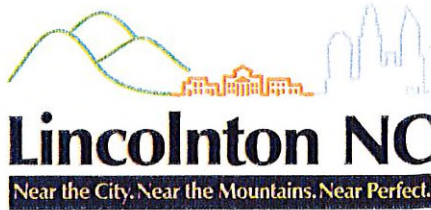

DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

9

CITY COUNCIL
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Tim Smith



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Thomas J. Wilson, Jr..

R E S O L U T I O N
Of Appreciation For
(R-10-17)
DAVID L. FORD

WHEREAS, *David L. Ford*, began his employment with the Lincolnton Fire Department September 26, 1989 as a Firefighter. David, through the Office of the North Carolina State Fire Marshal, achieved all three levels of training available, receiving his Level III certification as a Fire Control Specialist in 1993. Then in 1999 earned the title of Fire Engineer; and

WHEREAS, *David L. Ford*, through his dedication and impeccable work ethic has provided excellent Public Safety for our City. He will tell you that one of his major accomplishments is working with the other Fire Department members to provide a high quality of Fire and Life Safety to the citizens of Lincolnton; and

WHEREAS, *David L. Ford*, has assisted with maintenance and repairs of Fire Department equipment, including our Fire Engines, his vast knowledge of technology also allowed him to assist with their computer system, going above and beyond which resulted in many thousands of dollars savings to the City; and

WHEREAS, *David L. Ford*, was named Public Servant of the Year, by the Lincolnton VFW, in 2013 for his outstanding service to the community; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincolnton that appreciation be shown to *David L. Ford* and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 5th day of October, 2017.


DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

10

Guest Speaker Bio

Walter J. Marm graduated Basic Training and Advanced Individual Training at Fort Gordon, Georgia in September, 1964 and subsequently received a commission as a 2d Lieutenant of infantry in April, 1965 from the Officer Candidate School at Fort Benning, Georgia.

LT Marm served as a Platoon Leader in A Co, 1st Battalion, 7th Cavalry in Fort Benning, Georgia and in the Republic of Vietnam. He was awarded the Medal of Honor for his actions in the Ia Drang Valley on November 14, 1965. CPT Marm was an instructor at US Army Ranger School (Mountain Phase) in Camp Dahlen, Georgia and the Aide-de-Camp to LTG H.W.O. Kinnard at Fort Belvoir, Virginia. CPT Marm then returned to the Republic of Vietnam where he commanded a rifle company and served as a Brigade S-3 Air Officer and a Battalion S-2 Officer in the 1st Cavalry Division from January-December, 1969. After graduating the Infantry Officer Advanced Course, CPT Marm earned a Master's Degree in educational psychology from the University of Georgia and taught in the Leadership Department at the United States Military Academy. MAJ Marm served in the 25th Infantry Division as a Battalion Operations Officer and Assistant Division Operations Officer. LTC Marm worked in the Pentagon as a staff officer for the Deputy Chief of Staff for Personnel and worked for Army Legislative Liaison. LTC Marm commanded the 2d Battalion, 2d Infantry Training Brigade from September 1984 through September 1986. As a Colonel, he served as the Deputy Brigade Commander and Chief of Staff of the 157th Separate Infantry Brigade (Mechanized), Horsham, Pennsylvania, and as the Senior Army Advisor to the 79th Army Reserve Command in Horsham, Pennsylvania. COL Marm retired in May 1995.

His military education includes the Infantry Officer Candidate Course, Ranger Course, Airborne Course, Infantry Officer Advanced Course and the Armed Forces Staff College.

His awards and decorations include the Medal of Honor, Legion of Merit, Bronze Star, Purple Heart, Meritorious Service Medal with four oak leaf clusters, Air Medal with two oak leaf clusters and the Army Commendation Medal with one oak leaf cluster.

COL Marm is married to Deborah. They live in Fremont, North Carolina and have four children and nine grandchildren.

Mr. Patterson was born April 16, 1948 in Carpenter, North Carolina and is the son of Henry C Patterson and Francis E Patterson. He attended Massey Hill High School in Fayetteville, North Carolina and has earned an Associate of Arts Degree in Business Administration from El Paso Community College, El Paso, Texas.

Mr. Patterson entered the U.S. Army, September 21, 1966. He completed Basic Training at Ft Bragg, North Carolina, Advanced Infantry Training at Ft Gordon, Georgia and Jump School at Ft Benning, Georgia. He also attended the 82d Airborne Division Noncommissioned Officer (NCO) Academy, Ft Bragg; Third Army Noncommissioned Officer Academy, Ft McClellan; Drill Sergeant School, Ft Sill; First Sergeant's Course and Class #26 of the U.S. Army Sergeant Major Academy, Ft Bliss.

Mr. Patterson is a Viet Nam veteran, December 1967 to December 1968, where he was awarded the Medal of Honor for his actions on May 6, 1968. He is also a veteran of the Gulf War. He has served in every leadership position from Team Leader to Command Sergeant Major. He has served with the 82d Airborne Division, 101st Airborne Division, 2d Infantry Division, 25th Infantry Division (Light), and the 3d Armored Cavalry Regiment. He retired from the Army, after 26 years, as the Command Sergeant Major of the 4th Squadron, 3d Armored Cavalry Regiment, Ft Bliss, Texas.

After retiring from the Army, Mr. Patterson joined the Department of Veterans Affairs on October 5, 1992 and was assigned as a Veterans Benefits Counselor at the VA Regional Office in Winston Salem, North Carolina. He also served as a Military Services Representative at Ft Gordon, Georgia and as an Overseas Military Services Coordinator in England and Italy. Mr. Patterson retired from the Department of Veterans Affairs as a Veterans Services Representative at Ft Bragg, North Carolina on February 5, 2010.

In addition to the Medal of Honor, his awards include Legion of Merit, Meritorious Service Medal (2d award), Bronze Star (2d award), Purple Heart (3d award) Army Commendation Medal (2d award), Army Achievement Medal, Combat Infantryman Badge Master Parachutist Badge, Air Assault Badge, Drill Sergeant Badge, Viet Nam Cross of Gallantry with Silver Star, Kuwait Liberation Medal, and the Southeast Asia Service Medal.

Mr. Patterson has two sons, Anthony and Joseph. He is married to the former Linda S Cottage and has five Step-Daughters, Robin Youngblood, Amy Simpson, Tricia Margrave, Cheryl Hirth, and Kimberly Williams

ITEM #

11

CITY OF LINCOLNTON

CITY COUNCIL
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Roby D. Jetton
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Proclamation Young Marines Red Ribbon Week October 23-31, 2017

WHEREAS, communities across American have been plagued by numerous problems associated with illicit drug use and those that traffic in the; and

WHEREAS, there is hope in winning the war on drugs and that hope lies in education and drug demand reduction, coupled with hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

WHEREAS, October 23-31 has been designated National Red Ribbon Week which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, BE IT RESOLVED that I, Mayor Ed Hatley, hereby proclaims October 23-31, 2017 as Red Ribbon Week and encourage all citizens to support this worthy initiative.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of October, in the year of 2017.

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

12

NO
BACK UP
NECESSARY
FOR THIS ITEM

ITEM #

13

CITY OF LINCOLNTON POLICE DEPARTMENT

RODNEY JORDAN • CHIEF OF POLICE



PO BOX 617 • 627 EAST MAIN STREET
LINCOLNTON, NORTH CAROLINA 28093-0617
PHONE: (704) 736-8900 • FAX: (704) 736-8904

TO: Steve Zickefoose, City Manager
FROM: Chief R. Jordan
SUBJECT: Speed Limit on Periwinkle Street/ Newton Lane
DATE: September 6, 2017

The purpose of this memo is to ask the City Council to consider reducing the speed limit on Periwinkle Street and the short portion of Newton Lane. Since it is not posted or listed in the code of ordinances, the current speed limit on Periwinkle Street is thirty-five (35) miles per hour. Based on the length and width of the street, the number of houses close to the roadway and information received from speaking with some of the neighbors along that street, we believe that limit to be too fast for the area. Therefore, it is the police department's recommendation to lower the current speed limit to twenty-five (25) miles per hour. This change would be for the entire length of the street from Highland Drive to the dead-end portion. This should also include the very short street of Newton Lane which is the only street running off of Periwinkle. Lowering the speed limit and getting the street posted will allow us to concentrate on speed issues raised by some of our citizens in that community. This will require the streets to be added to the City of Lincolnton's Code of Ordinances and speed limit signs to be erected noting the change.

Your and Council's consideration in this matter is greatly appreciated.

ITEM #

14

City of Lincolnton
114 West Sycamore Street
P. O. Box 617
Lincolnton, North Carolina
28093-0617



Human Resources Department
Phone (704) 736-8980
FAX (704) 736-8975
www.lincolntonnc.org

MEMORANDUM

To: Mayor and City Council Members

From: Tanya Osborne, Human Resources Director

Through: Steve Zickefoose, City Manager/Finance Director

Re: Administrative Policy Revision - #4 Service Award Program

Date: September 26, 2017

As part of the 17-18 budget process, several Personnel and Administrative Policy revisions were approved and implemented effective July 1, 2017. One of the revisions included Administrative Policy #11 The Longevity Pay Plan, and allowed employees to earn their longevity pay based upon accumulated years of city service rather than consecutive years.

To provide consistency within the policies, I would ask for your consideration of a revision to Administrative Policy #4 Service Award Program to allow the employee eligibility for service awards to also be based upon accumulated years of service instead of consecutive years. This is the program where employees are recognized at the annual service award luncheon held in December and awarded a gift.

If Council is in favor of implementing the change, I would ask that Council approve the attached policy revision with an effective date of October 5, 2017.

attachment

CITY OF LINCOLNTON
ADMINISTRATIVE POLICY

Subject: Service Award Program	Manual: Administrative
	Effective Date: January 1, 2003
Policy Number: 4	Revision: October 5, 2017
Issued By: Human Resources Department	City Manager Approval: Steven Zickefoose, City Manager/Finance Director

A copy of this policy must be maintained in the City of Lincolnton's Administrative Manual for each City department and division.

Section I. Intent

The City of Lincolnton Service Award Program is intended to reward employees for their faithful, ~~continuous service~~ **years of service to the City**. The Lincolnton City Council approves, on a yearly basis, the continuation of this program.

Section II. Eligibility Criteria

1. Service awards are given to ~~permanent~~ **regular**, full-time employees to recognize their **accumulated** ~~consecutive~~ years of service. **Service time does not have to be consecutive, but must be time earned while in a regular full-time budgeted position.** Temporary and part-time employees are not eligible to participate.
2. Service awards are given to an employee at each 5-year increment of **total** service **years, and normally awarded once a year in the month of December on a date determined by the City Manager.** ~~Service time is calculated by adding increments of five (5) to the hire date.~~
3. ~~If an employee terminates City employment and is rehired at a later date, eligibility will begin with his/her most recent hire date.~~
4. An employee on an authorized leave of absence without pay shall be eligible to participate in the program.

Service Award Program

Page 2

5. Retiring employees may use their accumulated sick hours to meet a 5-year increment of service, as long as the accumulated sick hours convert through the **Local Governmental** Retirement System into creditable service time.
6. Employees who terminate employment with the City, either voluntarily or by administrative dismissal **prior to the date service awards are distributed**, will not be eligible to receive a service award.
- ~~7. Service awards are given once a year in the month of December.~~

ITEM #

15

Donna Flowers

From: Brett Hicks [downtownlincolnton@gmail.com]
Sent: Thursday, September 28, 2017 2:43 PM
To: Donna Flowers
Subject: City of Lincolnton - Downtown Strategic Plan Vision Statement

Hi Donna,

Thank you so much for reaching out to me and Thank you for the opportunity to be on the Agenda for the City Council Meeting next week. Tom Noblot is finishing up a Plaque to be presented to the City on behalf of the Steering Committee which will certify our new Vision Statement for our Downtown.

In July of 2017 nearly 70 Stakeholders in our community gathered at the First United Methodist Church in downtown Lincolnton to fellowship and brainstorm about our wonderful community. During this process many of the wonderful features of our community were discussed and later condensed about 12 strong statements regarding our community. After the Vision Forum a smaller group made up of downtown residents, business owners, property owners, city officials and Downtown Development Association members continued work on this process and hone the ideas into one statement. This statement was then provided to the North Carolina Main Street organization for further review and suggestions for a statement that truly spoke to uniqueness of our community. From there the statement was forged and presented to the Steering Committee for approval. The statement is now acceptable as follows:

“Tucked between the rolling hills of the Blue Ridge Mountains and the glow of the city lights of Charlotte aspiring business owners will find a nurturing atmosphere in downtown Lincolnton where they can grow and flourish. Downtown Lincolnton, is a hidden gem of opportunity as the hub of distinctive arts and artisans and active living”

Brett Hicks

Executive Director

Downtown Development Association of Lincolnton

www.downtownlincolnton.com <<http://www.downtownlincolnton.com/>>

Ph: 704.900.9659

downtownlincolnton@gmail.com

Coming together is a beginning; keeping together is progress; working together is success...

Henry Ford

ITEM #

16

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



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CITY ATTORNEY
Thomas J. Wilson, Jr..

MEMORANDUM

TO: Mayor and Council

FROM: Steve Zickefoose, City Manager *Steve*

SUBJECT: Steering Committee Recommendation

DATE: September 28, 2017

The Steering Committee has been reviewing noise ordinances and special events ordinances from multiple municipalities. Chairman Fred Jarrett will be presenting recommendations to City Council that were unanimously approved by the committee at their September 27th meeting.

Mr. Jarrett will be presenting these recommendations at the October 5th City Council meeting.

Chapter

130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

130.05 Special events and festivals

§ 130.05 SPECIAL EVENTS AND FESTIVALS.

(A) The Chief of Police, or his or her 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 the conduct of participants and attendees of special events to the extent necessary to ensure public safety. The area as 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 or festival officials);

(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 mean 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.

This includes the shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood or Central Business District as stated in 93.016 (I). Also included is any use of intimidating, profane, abusive or threatening language or behavior that disrupts the event area, activities or participants.

(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 the event, in which case it shall constitute a Class 1 misdemeanor.

(Prior Code, § 10-24) (Ord. O-55-97, passed 8-14-1997) Penalty, see § 10.99

NOISE

§ 93.015 UNNECESSARY NOISE GENERALLY PROHIBITED.

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the city. Noise of the character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

(Prior Code, § 7-4) Penalty, see § 93.999

Statutory reference:

Authority to regulate loud noises on streets and sidewalks, see G.S. § 160A-184

§ 93.016 UNNECESSARY NOISE PROHIBITED SPECIFICALLY.

The following acts, among others, are hereby declared to create loud, disturbing and unnecessary noises in violation of this code, but the enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time;

(B) The playing of any radio or television or phonograph or other musical instrument in a manner or with volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of resident;

(C) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity;

(D) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise;

(E) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(F) The conducting, operating or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or on Sundays;

(G) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same are in session, or within 150 feet of any hospital, which unreasonably and unnecessarily interferes with the working of these institutions, provided conspicuous signs are displayed in the streets indicating that the area is a school, court or hospital area;

(H) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues; and

(I) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood **or Central Business District.**

(Prior Code, § 7-5) Penalty, see § 93.999

ITEM #

17

October 2017 Council Meeting
Executive Summary
August 2017 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	1,320,661	12%	10,662,262	1,166,858	153,803
	Fund Balance	785,301	-	-	1,366,107	-	-
		11,038,040	1,320,661		12,028,369	1,166,858	153,803
	City Manager/Clerk	333,365	83,849		309,730	45,135	38,714
	Human Resources	235,030	50,854		215,848	43,165	7,689
	Finance	279,012	108,287		273,609	112,988	(4,701)
	General Expense	809,520	172,024		878,154	156,852	15,172
	General Debt Service	463,524	22,935		425,535	26,281	(3,346)
	Police	3,344,770	592,425		3,153,942	565,940	26,485
	Fire	2,030,690	400,458		2,206,450	360,085	40,373
	Public Works	181,356	47,502		246,538	38,781	8,721
	Street	1,229,141	138,242		1,534,891	165,629	(27,387)
	Equipment Services	132,120	31,675		157,819	29,780	1,895
	Solid Waste	718,328	114,904		820,485	131,671	(16,767)
	General Services	-	4,603		212,559	29,659	(25,056)
	Plannin/Zoning	277,060	51,229		276,258	35,141	16,088
	Bus & Comm. Dev	132,454	4,103		160,693	43,204	(39,101)
	Recreation	871,670	189,132		1,155,858	121,753	67,379
	Expenses	11,038,040	2,012,222	18%	12,028,369	1,906,064	106,158
	Difference		(691,561)			(739,206)	47,645

		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Water & Sewer Fund							
Fund 61	Revenues	7,449,995	1,411,652	18%	7,867,135	1,475,221	(63,569)
	Fund Balance	390,000	-		1,265,399		
		7,839,995	1,411,652		9,132,534	1,475,221	(63,569)
	Water Treatment	1,501,500	269,853		1,476,528	234,505	35,348
	Dist & Collection	1,356,250	238,418		2,390,175	359,947	(121,529)
	Wastewater	1,537,900	157,860		1,648,076	149,689	8,171
	W & S Intangibles	3,444,345	71,211		3,617,755	67,049	4,162
	Expenses	7,839,995	737,342	9%	9,132,534	811,190	(73,848)
	Difference		674,310			664,031	10,279
Electric Fund							
Fund 63	Revenues	7,791,714	1,278,342	16%	8,000,000	1,284,974	(6,632)
	Fund Balance	-	-		79,000	-	-
		7,791,714	1,278,342		8,079,000	1,284,974	(6,632)
	Electric Dept.	7,791,714	910,915		8,079,000	794,829	116,086
	Expenses	7,791,714	910,915	12%	8,079,000	794,829	116,086
	Difference		367,427			490,145	(122,718)
Overtime	80+ hours		51,065			52,619	(1,554)