

A G E N D A

Lincolnton City Council

December 7, 2017

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

December 7, 2017

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

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

3. Approval of Minutes November 2, 2017 Meeting

4. Call to Public Hearing for the January 11th, 2018 meeting:

- CUP-10-2017 – Application from Brian and Marie Kenyon requesting a conditional use permit to operate a Tap Room in the Central Business (CB) District. The subject property is located at 118 E. Water Street (Parcel 20481).
- CUP-11-2017 – Application from Pete and April DeGregory requesting a conditional use permit to operate a Tavern in the Central Business (CB) District. The subject property is located at 110 E. Water Street (Parcel 20480).

REGULAR AGENDA:

PUBLIC HEARING

(O-18-17)

5. Proposed amendment to the City's Code of Ordinances – Title IX – General Regulations – Chapter 93.016; Unnecessary Noise Prohibited Specifically and Title XIII – General Regulations – Chapter 130: Offenses Against Public Peace and Safety

**Fred Jarrett, Chair
Lincolnton Steering Committee**

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PUBLIC HEARINGS
(O-19-17)

- 6. Proposed amendment to the City's Code of Ordinances – Title XI – General Regulations – Chapter 111. Pool Rooms and Bowling Alleys**

Rodney Jordan, Chief of Police

- 7. CUP-9-2017 – Application from Teramore Development, LLC requesting a conditional use permit to construct a 9,100 square feet retail building (Dollar General) in the Planned Business (PB District). The subject property has frontage on both W. NC Highway 27 and W NC Highway 150 and is approximately 300 feet west of the intersection of these two roads (Parcel ID 21439)**

Laura Elam, Planning Director

RESOLUTIONS
(R-13-17)

- 8. Presentation of retirement Resolution honoring William "Clay" Harrelson – Distribution and Collection Superintendent for 34 years of service with the City of Lincolnton**

Mayor Hatley

(R-14-17)

- 9. Presentation of retirement resolution honoring Mark Carpenter – Zoning Administrator for 27 years of service with the City of Lincolnton**

Mayor Hatley

(R-15-17)

- 10. Consideration of Resolution adopting the 2018 Calendar for Lincolnton City Council Meeting dates and times in accordance with the Open Meetings Law and NCGS 143.33**

Donna Flowers, City Clerk

(R-16-17)

- 11. Consideration of Resolution amending the Recreation Commission By-Laws**

Nathan Eurey, Recreation Director

RESOLUTION

(R-17-17)

12. Consideration of resolution designating City of Lincoln Review Officers

Laura Elam, Planning Director

APPOINTMENTS

(APPT-04-17)

13. RE-APPOINTMENTS:

(To begin serving a first 3 year term in January 2018 – Dec 2020)

Note: They were appointed to fill an unexpired term and in accordance with City Policy they are eligible to begin their first three year term if Council so chooses

**ABC BOARD - Emily Robinson
(completed the unexpired term of Ed Hatley)**

(To begin serving a second 3 year term January 2018 – Dec 2020)

**HISTORIC PROPERTIES - Annette Stone
HOUSING AUTHORITY - Elaine Harmon
PLANNING BOARD - And Lynn
TOURISM DEV AUTH - Carol King**

(One Motion required for the above re-appointments)

Donna Flowers, City Clerk

(APPT-05-17)

14. NEW APPOINTMENTS: Noting applicants received

**HOUSING AUTHORITY (1 vacancy) – Ralph Lineberger
RECREATION (1 vacancy) – Daphne Ingram**

(A Motion will be required for each individual)

Donna Flowers, City Clerk

OTHER BUSINESS

- 15. BIG-09-2017 – Application from Jonathan Wise for Business Incentive Grant for building renovations for new industrial park at 311 Motz Avenue.**

Laura Elam, Planning Director

- 16. Quarterly Update from the Lincolnnton Steering Committee**

Fred Jarrett, Chairman

- 17. Monthly Financial Update / Overtime Report**

Steve Zickefoose, City Manager

PUBLIC COMMENT

***Speakers will be limited to three (3) minutes to address Mayor and City Council concerning Non-Agenda items.
You must sign in with the City Clerk to be eligible to speak***

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - NOVEMBER 2, 2017

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

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

Councilman Black ask Mayor Hatley to consider adding an item to the agenda, which was an update from Councilman Jetton on the “Old Clock” that is being placed downtown on the Court House lawn (formerly on the First National Bank Building).

Councilman Black made the motion to approve the Regular Agenda, adding item number 17, providing an update on the “Old Clock”.

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

- Approved Minutes from the October 5th Regular Meeting
- Calls to Public Hearing for the December 7, 2017 City Council meeting:
CUP-9-2017- Application from Teramore Development, LLC requesting a conditional use permit to construct a 9,100 square feet retail building (Dollar General) in the Planned Business (PB District). The subject property has frontage on both W. NC Highway 27 and W NC Highway 150 and is approximately 300 feet west of the intersection of these two roads (Parcel ID 21439).

(O-18-17)
- Proposed amendment to the City’s Code of Ordinances – Title IX – General Regulations – Chapter 93.016: Unnecessary Noise Prohibited Specifically and Title XIII – General Regulations – Chapter 130: Offenses Against Public Peace and Safety

REGULAR MEETING - NOVEMBER 2, 2017

REGULAR AGENDA:

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:

(O-16-17)

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the request for proposed amendments to 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.

Laura said, “In 2005, the State enabling legislation related to planning was amended to require that when governing boards make decisions on requests for rezonings and zoning ordinance text amendments, they consider the request’s consistency with their adopted comprehensive plan.”

During the 2017 legislative session, the State adopted the 2016 - 17 Regulatory Reform Act. The Act amends the state statutes to add more specificity to the legislation governing zoning amendments and requirements for consideration of consistency with the comprehensive plan.

The new statute now requires approval of a statement that describes plan consistency specifically in one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the comprehensive plan;
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the comprehensive plan; or
3. A statement approving the proposed amendment and declaring that this also amends the comprehensive plan along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

With each of these alternatives, the statement is also to include an explanation of why the governing board deems the action reasonable and in the public interest.

REGULAR MEETING - NOVEMBER 2, 2017

The proposed amendment adds the above requirements to the existing section of the zoning regulations regarding City Council's consideration of the comprehensive plan with decisions on zoning amendments in accordance with recent state legislation. Laura concluded recommending approval on behalf of Planning Board and Staff.

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

Councilman Eaddy made the motion unanimously approved to approve the statement of consistency and reasonableness.

Councilman Black made the motion unanimously approved to adopt the proposed amendment to the Unified Development Ordinance as recommended.

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:

(O-17-17)

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above stated request.

Laura said, "The North Carolina General Statutes outline local authority to regulate the subdivision of land. As part of the State enabling legislation for subdivision authority, four types of divisions of land are specifically exempted from local subdivision regulation including:

- Recombination of lots when the total number of lots is not increased and the resultant lots meet standards;
- Divisions creating lots greater than 10 acres where no street right-of-way is involved,
- Public acquisition for widening or opening of streets, and
- Division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots where no street right-of-way is involved and where the resultant lots meet standards.

REGULAR MEETING - NOVEMBER 2, 2017

The City of Lincoln, like most jurisdictions, has regulations and standards for new streets, infrastructure, open space, etc along with requirements for recording of a plat of the subdivision with the register of deeds. Large subdivisions involving the creation of new roads, more than 10 acres or more than 10 lots are reviewed and approved as “Major Subdivisions” which require submittal of a sketch plan, preliminary plan and final plat approval. Small subdivisions are reviewed and approved through the “Minor Subdivision” process which involves only the submittal, approval and recording of a final plat.”

During the 2017 legislative session, the State adopted the 2016 - 17 Regulatory Reform Act. The Act makes the following two changes regarding subdivision regulation:

1. The subdivision of a tract in accordance with the terms of a probated will or in accordance with intestate succession is added to the list of exempt subdivisions and
2. A city may require only a plat for the recording of a subdivision that involves the division of a tract greater than five acres in single ownership that meets the following criteria:
 - A. The tract is not exempted under the “greater than 10 acres / no right-of-way” exemption,
 - B. The tract has not been subdivided as an exempt subdivision in the past 10 years,
 - C. The tract is greater than five acres,
 - D. No more than three lots will be created, and
 - E. All resulting lots will comply with the lot dimension size requirements of the zoning regulations; the use of the lots will conform with zoning requirements, and the lots will have a permanent means of ingress and egress.

Laura concluded saying, “The above proposed text amendment makes the changes to the City’s Subdivision Ordinance necessary to conform to the recently adopted legislation. Planning Board and Staff recommend approval of the amendment as outlined above in order to conform to recent state legislation.”

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

REGULAR MEETING - NOVEMBER 2, 2017

Councilman Black made the motion unanimously approved the statement of consistency and reasonableness.

Councilman Eaddy made the motion unanimously approved to amend the Unified Development Ordinance – Subdivision Ordinance, conforming with recently adopted State legislation, as recommended.

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):

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, said the applicant withdrew his request, after the public hearing was advertised.

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

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).

Mayor Hatley opened the Public Hearing. Laura Elam, Planning Director, reviewed the above stated request for renewal of a conditional use permit.

Laura told Council that on October 1, 2015, the Lincolnton City Council approved a conditional use permit to construct a new 4,000 square foot pharmacy on property located on the south side of East Main Street approximately 350 east of the intersection of East Main Street and U.S. Highway 321 (Parcel ID 91738). The permit expires this month and the applicant is asking for a 24 month extension.

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She said, "Section 153.243 of the Lincoln Unified Development Ordinance states that the applicant shall have a period of twenty-four (24) months from the date of issuance of the conditional use permit to secure a building permit for the project. If the applicant fails to obtain a building permit within the time allowed, the Zoning Administrator notifies the applicant of such finding, and within sixty (60) days of notification, the Planning Board is to make a recommendation concerning rescinding or extending the conditional use permit to the City Council. The City Council, after having conducted a public hearing to consider the matter, may extend the life of the conditional use permit for a specified period of time."

Laura told Council since the renewal of the conditional use permit in 2015, no activity has taken place and no building permits have been issued. The owner has applied for an extension asking that the permit be renewed. The applicant is not asking for any changes to the permit or the conditions attached to it by the City Council when it was approved originally in 2015.

She concluded recommending on behalf of the Planning Board and Staff, that the permit be extended for a period of two (2) years.

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

Councilman Black made the motion unanimously approved to extend the conditional use permit for a two year period as requested and recommended.

CUP-8-2017- APPLICATION FROM CONCORD PROPERTIES REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A CHICK-FIL-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).

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue. Laura Elam, Planning Director, reviewed the above stated request.

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Laura told Council that Concord Properties is requesting a conditional use permit to construct a new 4,988 square foot restaurant with a drive through on property located on the southside of East Main Street approximately 650 east of the intersection of East Main Street and U.S. Highway 321 (Parcel ID 22484).

The property is zoned Planned Business (P-B) and Special Highway Overlay (SHO) districts. Most of the nearby properties are zoned P-B. The property is bounded by East Main Street to the north, Peoples Bank to the east, CSX Railroad to the south, a vacant parcel immediately to the west and an urgent care center further to the west.

Laura said the site plan proposes a new restaurant building of approximately 4,988 square feet. Access will be provided by two proposed driveway connections to East Main Street plus a connection to the existing urgent care center driveway. The site's western driveway will be channelized to prevent left turns out and the eastern driveway will be configured to serve as an exit with right turns out only. Forty two (42) parking spaces will be provided.

She noted the property is located in the WS-IV watershed protected area which allows up to 70% built upon area through the "10/70 Option". The site plan indicates that 63 % of the site will be impervious cover.

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan needs to include the following information:

A landscaping plan noting parking lot landscaping and street landscaping.

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

REGULAR MEETING - NOVEMBER 2, 2017

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 Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Laura told Council the following in regards to the findings of fact:

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the item listed above.
3. It does not appear that the use will substantially injure the value of adjoining or abutting property.
4. The use is in conformance with the land use plan.

She reviewed the following Staff Review Committee comments:

- (1) Erosion control plan must be submitted to and approved by Lincoln County.
- (2) Building plans must be approved by Lincoln County Inspections and the City Fire Marshal.
- (3) NCDOT driveway permit must be reviewed and approved by the NCDOT.
- (4) Utility plans must be coordinated with and approved by the Public Works and Utilities Department. A grease trap will be required.
- (5) The existing sidewalk along East Main Street must be preserved or replaced with new sidewalk meeting City and ADA requirements.

Laura concluded recommended on behalf of Planning Board and Staff that the conditional use permit be approved, subject to the ordinance requirements and Staff Review Committee comments noted above.

Mr. Jeff Irvin, of Concord Properties, was in attendance on behalf of the applicant and offered to answer any questions that Council may have regarding the proposed Chick-Fil-A Restaurant.

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Mayor Hatley said, “You will be a hero to the Lincolnton Student Advisory Council, as they have worked hard for several years lobbying recruitment of a Chick-Fil-A.”

Councilman Eaddy recommended that Mr. Irvin take a look at a video submitted to the corporate offices of Chick-Fil-A, choreographed by Lincolnton Student Advisory Council members during their attempts to recruit a Chick-Fil-A to locate in Lincolnton.

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

Councilman Eaddy made the motion unanimously approved to consider the conditional use permit.

Findings of Fact:

1. Councilman Eaddy made the motion unanimously approved that the use will endanger the public health or safety.
2. Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications with the exception of the item listed above.
3. Councilman Black made the motion unanimously approved that the use will substantially injure the value of adjoining or abutting property.
4. Councilman Jetton made the motion unanimously approved that the use is in conformity with the land use plan.

Councilman Eaddy made the motion unanimously approved to grant the conditional use permit as recommended by the Planning Department.

Mayor Hatley invited Mr. Irvin to attend the Lincolnton Student Advisory Council meeting that will be held on Monday, November 6th at 6:00 p.m. in the Council Chambers of City Hall, to share the good news with the students.

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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):

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the issue. Laura Elam, Planning Director, reviewed the above stated request.

Laura said the subject property is a 1.45 acre site located on the east side of Startown Road, approximately 750 feet north of the intersection of Startown Road and Reepsville Road (Parcel ID 21757). The site is undeveloped. Land uses in the area are mostly single family residential. Nearby to the north is a parcel owned by Lincoln County which has most recently been used for the Parks and Grounds Department but the building is now vacant. There are other commercial uses at the intersection of Startown and Reepsville Roads. (See attached maps.)

The subject property and all surrounding properties are zoned R-25. Several properties located at the intersection of Startown and Reepsville Roads are zoned NB.

The property is currently one parcel with two owners but will be subdivided into two lots with two separate owners.

The existing R-25 zoning allows low density residential development and agricultural uses. Single family dwellings and Class A manufactured homes are allowed on lots ranging from minimums of 20,000 to 25,000 square feet depending on availability of public water and sewer services. Two family dwellings (duplexes) are allowed on lots ranging from minimums of 20,000 to 50,000 square feet depending on availability of public water and sewer services. The applicant is requesting the site be rezoned from Residential-25 (R-25) to Conditional Use Neighborhood Business (CU-NB) in order to allow construction of a 5,000 square foot dance studio. Because the rezoning consists of two lots, the second lot, when developed, will require a conditional use permit prior to any development.

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She said the applicant requests conditional use rezoning in order to construct a 5,000 square foot dance studio on the property. The site plan indicates access will be provided by one entrance onto Startown Road. The parking lot will be gravel and there will be approximately seven (7) parking spaces. Street landscaping and parking lot landscaping will be provided. Screening will be required on the north and west sides of the property adjacent to residentially zoned land.

The dance studio will consist of two instructors with up to 25 students there at one time. The use will operate Monday, Tuesday, Wednesday, and Thursday evenings from approximately 4:00 PM until 9:00 PM.

This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business, and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. A Neighborhood Business District is typically a relatively small area but shall consist of at least two lots in separate ownership or at least two acres regardless of ownership.

Laura described the Conditional Use District Rezoning Process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, 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 Dance Studio. Because the rezoning consists of two lots, the second lot, when developed, will require a conditional use permit prior to any development.

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The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan meets the requirements of this section with the following exception:

Additional parking may be required once maximum capacity is determined. The ordinance requirement is one space for every three persons that the facilities are designed to accommodate when fully utilized.

Laura said the applicant will be disturbing less than one acre of land. Therefore, compliance with the Water Supply Watershed standards is not required.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential Suburban Planning Area. These planning areas are primarily single family in character and where the primary development pattern should continue to be single family dwellings.

In Staff's opinion, the rezoning request does not comply with the Land Use Plan. For the use to be consistent with the Plan, it would need to be amended to include the property in the Neighborhood Business Planning Area.

The Neighborhood Business Planning Area states that "these planning areas are for small business clusters that cater to the needs of a small trading area. They are appropriate for smaller sized stores and establishments."

Staff feels that there is some merit to amending the land use plan in this case. The property is located along a minor thoroughfare between commercially developed areas. However, any amendment of the land use plan should be contingent on a determination that the proposed dance studio would be a compatible use in the area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

- (1) Building plans must be approved by Lincoln County and the City Fire Marshal prior to issuance of building permits.
- (2) NCDOT will require a driveway permit for access to Startown Road. Paving will be required from the street to the NCDOT Right of Way Boundary.

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- (3) Erosion control permit will be required from Lincoln County Natural Resources.
- (4) Additional parking may be required once maximum capacity is determined. The ordinance requirement is one space for every three persons that the facilities are designed to accommodate when fully utilized.

Laura concluded recommending on behalf of Planning Board and Staff the following three actions:

- (1) If the applicant satisfactorily proves the findings of fact, approve rezoning of the property from R-25 to CU-NB and attached Statement of Consistency and Reasonableness.
- (2) If the applicant satisfactorily proves the findings of fact, approve the Conditional Use Permit for a 5,000 square foot dance studio subject to Ordinance requirements and Staff Review Committee conditions.
- (3) If rezoning request is approved, amend the Land Use Plan to show the two parcels in the Neighborhood Business Planning Area.

Paul Northrop spoke against the conditional use rezoning. Everette Hullette spoke in favor.

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

Councilman Black made the motion unanimously approved to consider the statement of consistency and reasonableness.

Councilman Black made the motion unanimously approved to consider the conditional use permit.

Findings of Fact

- (1) Councilman Black made the motion unanimously approved that the use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Smith made the motion unanimously approved that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

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- (4) Councilman Black made the motion unanimously approved that 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.

Councilman Black made the motion unanimously approved to approve the conditional use permit.

Councilman Eaddy made the motion unanimously approved to amend the Land Use Plan as recommended.

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):

Mayor Hatley opened the Public Hearing. Councilman Smith asked to be excused from hearing or voting on this item, in accordance with NCGS 130A - 75. Councilman Jetton made the motion unanimously approved to excuse Councilman Smith.

The City Clerk administered the oath to all those wishing to speak for or against the issue. Laura Elam, Planning Director, reviewed the above stated request.

Laura said the subject property is located on a 1.49 acre site at 406 Battleground Road (Parcel ID 17847). The site is developed with an approximately 4,800 square foot historic home built around 1890. Properties surrounding the site are a mixture of R-8 and RO. Land uses in the area are single family dwellings, a church, and a medical office. (See attached maps.) The existing R-8 zoning district allows single-family dwellings on lots with a minimum of 6,000 square feet and two-family dwellings (duplexes) on lots with a minimum of 12,000 square feet. Additional forms of residential development could also be permitted subject to review and approval by the City Council.

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The applicant is requesting the site be rezoned from Residential-8 (R-8) to Conditional Use Residential Office (CU-RO) to allow use of the existing dwelling as a funeral home.

She said the site plan proposes use of the existing 4,800 square foot dwelling as a funeral home plus addition of a 625 square foot accessory building to be used for a private garage for unloading and preparation. A new paved parking lot with 28 parking spaces would be added. The two existing access points onto Battleground Road will be kept but will be widened to meet commercial driveway widths. The applicant indicates the funeral home will be operating an office on site daily from 9:00 a.m. until 5:00 p.m. There will be two rooms for viewing only. Hours for viewing services are typically in the evening. There will be no chapel on site for any service to be held. No cremations will be done on site.

Laura told Council that the Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard rezoning in which all the uses permitted in the district are potentially allowed on the rezoned site, 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 funeral home.

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan is missing the following items:

1. Detailed landscaping plan including street trees and parking lot landscaping. Existing trees may count toward these requirements.
2. Additional parking may need to be provided based on maximum occupancy.

She further stated that the applicant will be disturbing less than one acre of land. Therefore, compliance with the Water Supply Watershed Standards is not required. The Lincolnton Land Use Plan shows this property in the Traditional Single Family Planning area. The purpose of the planning area is for single family dwellings to be maintained in older established portions of the community. As these areas are primarily residential in character, they should be

REGULAR MEETING - NOVEMBER 2, 2017

protected from encroachment of incompatible business and industrial development.

Adjacent properties located to the east and south are located in the Mixed Use/Residential/Commercial Planning Area. This planning area is in select, older portions of the City where true, “urban villages” consisting of high density residential uses (both single family and multifamily) and associated small-scale and pedestrian oriented office and retail uses may be located.

Laura said “In Staff’s opinion, the rezoning request is not consistent with the Land Use Plan. For the proposed use to be consistent with the Land Use Plan, the Plan would need to be amended to include the property in the Mixed Use/Residential/Commercial Planning Area. Staff feels that there is some merit to amending the land use plan in this case. The property is located on a somewhat heavily-traveled minor thoroughfare in a transitional area with a mixture of land uses. However, any amendment of the land use plan should be contingent on a determination that the proposed funeral home would be a compatible use in the neighborhood.”

Laura reviewed the following Staff Review Committee made the following comments:

- (1) Building plans must be approved by Lincoln County Inspections prior to issuance of building permits.
- (2) The owner/operator is responsible for storm water leaving the site. Storm water must be configured so as to have no more harmful effect on streets and adjacent properties than the current situation. A storm water management plan is to be reviewed and approved by the Public Works Department prior to issuance of a certificate of occupancy.
- (3) The applicant will need to contact Chris Wilson, Electrical Superintendant, about electrical upgrade issues that may be needed for the new use.
- (4) Use of the site is limited to a funeral home only through re- use of the existing structure and grounds. New development is limited to the accessory garage noted on the site plan.
- (5) There will be no chapel on site for any services to be held and no cremations will be done on site.
- (6) Any outdoor lighting to be added is to be downwardly directed so as not to cast glare on adjoining properties.
- (7) Hours of operation to be limited to between 7:00 am and 9 pm.

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- (8) No changes to be made to the building's exterior other than for routine maintenance.

Laura reviewed the FINDINGS OF FACT as follows:

Section 153.237 of the UDO requires that four findings be determined by City Council 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.

COMPLIANCE WITH FINDINGS OF FACT

1. The applicant will need to provide evidence that the use will not endanger the public health or safety.
2. The proposed use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not have any negative impacts on the value of adjoining or abutting properties.
4. The use is not in compliance with the Lincolnton Land Use Plan. However, City Council may consider a change to the land use plan which would make this use consistent with the plan.

Laura concluded recommending on behalf of Planning Board and Staff the following three actions:

1. If the applicant satisfactorily proves the findings of fact, approve rezoning of the property from R-8 to CU-RO and attached Statement of Consistency and Reasonableness.
2. If the applicant satisfactorily proves the findings of fact, approve the Conditional Use Permit for the funeral home use subject to Ordinance requirements and Staff Review Committee conditions.
3. If rezoning request is approved, amend the Land Use Plan to show the property in the Mixed Use/ Residential/Commercial Planning Area.

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This item generated much discussion. The following people spoke on behalf of this request: Carl Jenkins, the applicant, Michael Soloman, on behalf of the the applicant, Christine Boyles, James Burbach, and Vickie Yount.

Those speaking against the rezoning were as follows: Marti Shehan, Lee Haynes who also spoke for Greer Stamey, Will Wadsworth who also spoke for Jerry Stamey, Sally Gunter Potts, Bill Ballard, Vic Seagle, Robert Eugcer, and Tim Leonhardt. Parking was an issue by most of those speaking against as was the concern of lower property values with a funeral home located in this area.

Councilman Eaddy questioned when the Land Use Plan was revised/amended, Laura said in 2000.

Councilman Black questioned if there were ample parking spaces for this type use. Mr. Jenkins said he has 28 spaces, utilizing the church across the street as agreed upon verbally with the pastor.

After much discussion, Councilman Eaddy made the motion unanimously approved to close the Public Hearing.

Councilman Eaddy then ask the Planning Director for clarification on the Land Use Plan, asking if multi family would be permitted without coming to City Council. Laura said it would not, a request for multi-family use would require approval by City Council.

Councilman Eaddy then made the motion unanimously approved (by Councilmen Black, Eaddy and Jetton) to consider the statement of consistency and reasonableness.

Councilman Black made the motion unanimously approved (by Councilmen Black, Eaddy and Jetton) to deny the request.

CONSIDERATION OF RESOLUTION DIRECTING THE CITY ATTORNEY TO PETITION FOR A COURT ORDER FOR REPAIR, REMOVAL OR DEMOLITION AT 702 N GROVE STREET:

(R-11-17)

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Laura Elam, Planning Director, asked Council to consider approving the following resolution:

**RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY
TO PETITION SUPERIOR COURT FOR AN ORDER
REQUIRING THE OWNER OF CERTAIN PROPERTY
TO COMPLY WITH THE ORDER
OF THE CODE ENFORCEMENT OFFICER:
702 NORTH GROVE STREET**

WHEREAS, the City Council of the City of Lincolnton finds that the structure herein described is unsafe and thereby constitutes a fire and safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owner of this structure has failed to comply with a lawful Order of the Code Enforcement Official to repair or demolish the same within the time therein prescribed; and

WHEREAS, G. S. 160A-432 and Section 150.054 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-432, to petition the Superior Court of Lincoln County for a petition requiring the owner, David E. Watson, of the structure located at 702 North Grove Street in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Abandoned Structure Ordinance contained in Chapter 150 of the Code of the City of Lincolnton, North Carolina.

This Ordinance shall become effective upon adoption.

Councilman Eaddy made the motion unanimously approved to adopt the resolution as recommended by the Planning Director.

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PROPOSED BUDGET AMENDMENT – TRANSFER MONIES TO CONSOLIDATE INSURANCE CODES AND AMEND FUNDS TO ADD 321 BRIDGE PROJECT:

(BA-04-17)

Steve Zickefoose, City Manager, recommended that Council considered adopting the proposed budget amendment which would simply payments of insurance premiums, consolidating individual department line items into one general expense line item for insurance premiums. This amendment also includes increasing funds for the Hwy 321 bridge project which was to be monies from grant funding received.

Councilman Black made the motion unanimously approved to adopt the budget amendment as recommended by the City Manager.

CONSIDERATION OF QUOTES FOR PROPERTY & LIABILITY INSURANCE COVERAGE:

(R-12-17)

David Ramsey, Business Services Manager, recommended City Council consider changing insurance carriers for the City's property and Liability coverage, from Travelers to the North Carolina League of Municipalities.

He said the price for renewal with our current carrier would be \$ 175,727, which has increased by \$ 17,709.00 over last year. The NCLM quote for the year was \$ 168,505.00 which would result in a \$ 7,222.00 cost savings, if the City selects the NCLM as our carrier.

Other advantages that David and Steve pointed out were the NC League of Municipalities only deals with municipalities, there are no other insured's allowed into the League. Their scope of understanding as to how cities operate and the inner workings of how all our departments operate is very specialized. Also other additional services, of no-cost to the City, such as property appraisals for any facility valued over \$ 250,000 along with pump and lift stations would be available as well as many opportunities for law enforcement training, Police Officer driver training and Law Enforcement Risk management Review program would be available.

Councilman Smith made the motion unanimously approved to allow the City to change insurance carriers for property and liability to the North Carolina League of Municipalities.

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CONSIDERATION OF NEW CITY POLICY REGARDING SMALL CLAIMS AND SANITARY SEWER BACKUP REIMBURSEMENT “GOOD NEIGHBOR POLICY”:

(P-07-17)

David Ramsey, Business Services Manager, requested that Council approve the following policy:

City Policy Regarding Small Claims & Sanitary Sewer Backup Reimbursement

Effective Date: December 1, 2017

Adopted: November 2, 2017

Purpose: To establish guidelines and criteria as to when the City of Lincolnton will reimburse or pay claimants/residents for damages incurred due to low dollar amount accidents or due to sanitary sewer blockages which result in reverse flow into residential or commercial dwellings or structures.

Background: The City of Lincolnton recognizes that there are occasions where property owners/claimants will experience relatively low dollar amount claims as a result of the failure of the Sewer Main or service line resulting in damages to their property. Additionally, there are times when other accidents

may happen that cause low dollar amount claims to be submitted to the City's Insurance carrier – such as pot holes, minor backing accidents, glass claims, etc. The total amount of claims, regardless of the dollar amount, is taken into consideration when the City's liability insurance rates are calculated. It is therefore in the City's best interest to adopt a policy which establishes when more in-depth investigation should occur and when City Staff should be encouraged to negotiate and resolve claims without submitting to our liability insurance carrier. Also, there is ambiguity at times as to whether the loss occurred as a result of failure on the City's behalf to maintain and service.

Procedures Sewer Backup Reimbursement:

- A. Owners seeking reimbursement for damages incurred due to sanitary sewer backup must submit the following information to the City in writing:
 - 1. Name of Property owner and occupant;
 - 2. Property address

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3. Contact Number
 4. Date of damage and loss
 5. Itemized list of property damaged and approximate value of same
 6. Expenses incurred attempting to mitigate damages and clean the property
 7. Any other pertinent information as may assist in evaluating the request
- B. If a sanitary sewer back up does occur, and it is the result of infrastructure failure, it is the Policy of the City of Lincoln to resolve claims resulting in actual damages of twenty-five hundred (\$2500.00) or less without submitting the same to its insurance carrier.
- C. This policy is not to be construed as an admission of liability on the part of the City nor any negligence nor wrongdoing on its part, nor is it an admission of a breach of its agreement with sanitary sewer customers. It is, instead, an attempt to resolve a dispute without the need to resort to litigation.
- D. In order to qualify under this policy, the following criteria must be met:
1. The sewer backup must clearly occur in the public sanitary sewer system and not in the customer's lateral line or private plumbing system.
 2. The sewer backup must have occurred through no negligence on the part of the property owner or occupant seeking damages, nor by any third party who is on the property at the invitation of the owner or occupant or otherwise.
 3. Reimbursement is limited to the actual cost incurred by the owner for damages to the property and cleanup expenses involved, and shall not exceed the amounts established herein.
 4. Reimbursement will not be paid under this policy for personal injury, loss of income, temporary lodging or meals, emotional stress, or any other consequential damages.
 5. The owner must agree to the installation of an approved water backflow valve at the expense of the owner.
 6. The owner must execute a release discharging the City from any further liability upon payment of the claim, and must certify that no other payment has been received for the damages alleged from any other source, including any other insurance policy.

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- E. Owners who do not wish to limit their claims to the amounts established herein may submit their claims to the City Staff member who handles claims submission. Claims will thereafter be exempt from this policy once submitted to the City's liability carrier and will no longer be eligible to have a claim processed under this policy. If after processing by the insurance carrier it is determined that there is no liability or that damages are less than the amount provided under this policy, the claim cannot be reconsidered under the terms of this policy.

Procedures for Small Claim Payment:

- A. Claimants seeking payment for damages incurred due to an unforeseen accident or an accident in which the City of Lincolnnton may be liable must submit the following information to the City in writing:
 - 1. Name of Claimant and/or Owner
 - 2. Address where incident occurred
 - 3. Contact number
 - 4. Date & time of damage and loss
 - 5. Details of damaged property and how it happened
 - 6. Details of reason City may be liable
 - 7. Any other pertinent information as may assist in evaluating the request
- B. If an unforeseen accident does occur and it is the result of an infrastructure failure or any other small claim situation such as a minor fender bender or backing accident or minor property damage, it is the Policy of the City of Lincolnnton to resolve these claims resulting in actual damages of one thousand dollars (\$1,000.00) or less without submitting the same to its insurance carrier.
- C. In order to qualify under this policy, the following criteria must be met:
 - 1. The claim must clearly occur within the City limits of Lincolnnton or occur from a City of Lincolnnton employee operating City of Lincolnnton property.
 - 2. The claim must have occurred through no negligence on the part of the claimant.

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3. Payment is limited to the actual cost for damages to the property and shall not exceed amounts established herein.
 4. Payment will not be paid under this policy for personal injury, loss of income, emotional stress or any other consequential damages.
 5. This policy will NOT apply if any personal injuries are present or possible.
 6. The owner must execute a release discharging the City from any further liability upon payment of the claim and must certify that no other payment has been received for the damages alleged from any other source.
 7. The claimant must provide the City with at least 2 verifiable estimates to be considered valid.
 8. For small fender bender or backing accident, the Lincolnton Police Department must be called to the scene to issue a police report. The owner & driver's names, the make, model, year and VIN of the claimant vehicle are required.
- D. The City of Lincolnton, at its discretion, may deny this policy at any time and submit the information to be considered by their liability insurance carrier.
- E. Claim settlement under this policy will be payable to the Claimant and to the repair facility submitted when applicable.
- F. Claimants who do not wish to limit their claim to the amounts established herein or foresee their claim to be more than the amounts established herein may submit their claim to the City Staff member who handles claims submission. Claims will thereafter be exempt from this policy once submitted to the City's liability carrier and will no longer be eligible to have a claim processed under this policy. If after processing by the insurance carrier it is determined that there is no liability or that damages are less than the amount provided under this policy, the claim cannot be reconsidered under the terms of this policy.

Councilman Smith questioned who would make the decision to pay these claims that are over \$ 2500.00. Steve said he, David Ramsey and Mary Huffman would review the claims and determine if payment should be made based on the claim submitted.

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Steve said he feels this will be a cost savings to the City as it could result in lower premiums.

Councilman Eaddy made the motion unanimously approved to adopt the policy as recommended by the City Manager and the Business Services Manager.

MONTHLY FINANCIAL UPDATE/OVERTIME REPORT:

Steve Zickefoose, City Manager:

November 2017 Council Meeting							
Executive Summary							
September 2017 Year-To-Date							
		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
General Fund							
Fund 10	Revenues	10,252,739	3,350,890	30%	10,662,262	3,271,813	79,078
	Fund Balance	785,301	-	-	1,366,107	-	-
		11,038,040	3,350,890		12,028,369	3,271,813	79,078
	City Manager/Clerk	333,365	103,988		309,730	64,533	39,455
	Human Resources	235,030	61,985		215,848	55,237	6,748
	Finance	279,012	139,985		273,609	135,888	4,097
	General Expense	809,520	351,962		878,154	275,424	76,537
	General Debt Service	463,524	24,179		425,535	27,525	(3,346)
	Police	3,344,770	776,901		3,153,942	748,063	28,837
	Fire	2,030,690	496,454		2,206,450	521,700	(25,245)
	Public Works	181,356	57,952		246,538	47,437	10,515
	Street	1,229,141	186,312		1,534,891	332,792	(146,480)
	Equipment Services	132,120	39,848		157,819	66,401	(26,553)
	Solid Waste	718,328	144,554		820,485	171,391	(26,837)
	General Services	-	-		212,559	61,235	(61,235)
	Plannin/Zoning	277,060	68,423		276,258	47,078	21,345
	Bus & Comm. Dev	132,454	5,927		160,693	43,281	(37,354)
	Recreation	871,670	267,939		1,155,858	180,027	87,912
	Expenses	11,038,040	2,726,409	25%	12,028,369	2,778,012	(51,603)
	Difference		624,481			493,800	130,681

		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Water & Sewer Fund							
Fund 61	Revenues	7,449,995	2,052,290	26%	7,867,135	2,186,257	(133,966)
	Fund Balance	390,000	-	-	1,265,399	-	-
		7,839,995	2,052,290		9,132,534	2,186,257	(133,966)
	Water Treatment	1,501,500	335,883		1,476,528	303,545	32,338
	Dist & Collection	1,356,250	330,693		2,390,175	784,609	(453,916)
	Wastewater	1,537,900	213,631		1,648,076	226,149	(12,518)
	W & S Intangibles	3,444,345	115,966		3,617,755	110,107	5,859
	Expenses	7,839,995	996,174	13%	9,132,534	1,424,410	(428,236)
	Difference		1,056,117			761,847	294,270
Electric Fund							
Fund 63	Revenues	7,791,714	2,016,330	26%	8,000,000	2,081,569	(65,239)
	Fund Balance	-	-	-	79,000	-	-
		7,791,714	2,016,330		8,079,000	2,081,569	(65,239)
	Electric Dept.	7,791,714	1,596,973		8,079,000	1,545,826	51,147
	Expenses	7,791,714	1,596,973	20%	8,079,000	1,545,826	51,147
	Difference		419,357			535,743	(116,386)
Overtime	80+ hours		82,338			97,444	(15,106)

REGULAR MEETING - NOVEMBER 2, 2017

PUBLIC COMMENT:

Mr. Dennis Poston and Mrs. Barber spoke about the upcoming renaming of Abernathy Street to Martin Luther King Jr. Drive. The event is set for Sunday, November 19th at 2:30 pm. They thanked the City for their assistance with the renaming and for helping with signage.

NEWS MEDIA:

There were no questions from the News Media.

UPDATE ON THE “OLD CLOCK BY COUNCILMAN JETTON:

Councilman Jetton provided an update on the “Old Clock” saying it should be installed in the next couple of weeks and a dedication will take place just before the Christmas Tree Lighting on Sunday, November 26th. He thanked all those involved in helping to bring the clock back and for those who gave donations to assist him with the repairs and clock restoration.

ADJOURNMENT:

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

ITEM #

4

From: Brett Hicks
Sent: Tuesday, November 28, 2017 11:09 AM
To: Donna Flowers; Laura Elam
Subject: RE:

Donna and Laura,

I am so sorry, we found one more correction. But I am sure we are good now.

- **CUP-10-2017** – Application from Brian and Marie Kenyon requesting a conditional use permit to operate a Tap Room in the Central Business (CB) District. The subject property is located at 118 E. Water Street (Parcel 00485).
- **CUP-11-2017** – Application from Pete and April DeGregory requesting a conditional use permit to operate a Tavern in the Central Business (CB) District. The subject property is located at **110** E. Water Street (Parcel 20480).

This particular area has been very confusing on GIS, so Mark and I drove out there.

Brett Hicks
Zoning Administrator
City of Lincolnton
P O Box 617
Lincolnton, NC 28093
704-736-8930 (phone)
704-736-8939 (fax)
city web page www.ci.lincolnton.nc.us/planning



ITEM #

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



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

PUBLIC HEARING

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

(O-18-17)

Proposed amendment to the City's Code of Ordinances – Title IX –
General Regulations – Chapter 93.016: Unnecessary Noise Prohibited
Specifically and Title XIII – General Regulations – Chapter 130:
Offenses Against Public Peace and Safety

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

Advertise (2tl): Wednesday, November 22, 2017
Wednesday, November 29, 2017

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.~~ Any person or group of persons willfully making any loud, raucous, or disturbing sound that – because of its volume, duration, and character – annoy, disturb, frighten, injure, or endanger the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities in the neighborhood or Central Business District is prohibited.

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

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.

Abusive or threatening language that disrupts a special event or festival or that abuses or threatens another person in a manner likely to cause a fight or brawl at a special event or festival is prohibited. Noise Ord. 93.016 (I) also applies.

(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

ITEM #

6

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 *RJ*
SUBJECT: Ordinance change
DATE: November 13, 2017

Mr. Zickefoose,

I have met with Mr. William Warford, who has requested some changes to the current city ordinance as it relates to the number of pool tables allowed in a pool hall that sells alcohol. I have adjusted the changes to reflect that there is no longer a limit on the number of tables in such an establishment. This will allow for tournaments to take place at the business. I have also made a couple of changes that I wanted to see such as not blocking windows and doors from outside view. We are also suggesting changes to the age allowed inside the pool hall to give youth more activities to do in the city. The change would now not allow anyone under the age of sixteen to be in the establishment during school hours and no one under eighteen allowed after 11:00 pm. All other times would be permissible. Our current ordinance does not allow for anyone under the age of sixteen to enter at any time. We have also suggested changes to the hours and take away the restriction from opening at all on Sundays. I have attached a copy of the ordinances and I have stricken what I think should come out and highlighted any additions or changes. If you agree with these recommended changes, I would like to have this placed on the agenda for the December meeting as a call to public hearing and then the hearing on the January agenda.

Please let me know if you have any questions or concerns,

Thanks..

Cc: Donna Flowers, City Clerk

CHAPTER 111: POOLROOMS AND BOWLING ALLEYS

Section

- [111.01](#) License required
- [111.02](#) Application for license
- [111.03](#) Applications to be accompanied by tax and bond
- [111.04](#) Bond required
- [111.05](#) Cause for denial of license
- [111.06](#) Form and content of license; posting
- [111.07](#) Opening and closing hours
- [111.08](#) Unlawful for certain persons to enter
- [111.09](#) Acts prohibited to licensee and employees
- [111.10](#) Revocation of license
- [111.11](#) License not assignable or transferable
- [111.12](#) Location and regulation of room

§ 111.01 LICENSE REQUIRED.

No person shall maintain or operate any pool or billiard table, bowling alley or any other table or alley for any game or play, for which a charge is directly or indirectly made without a license therefor issued by the City Council, it being the intent of this section that the tables and alleys, except those in private homes, shall not be operated unless so licensed.

(Prior Code, § 9-50) (Ord. O-08-02, passed 10-3-2002) Penalty, see § [10.99](#)

§ 111.02 APPLICATION FOR LICENSE.

Applications for licenses shall be made to the City Council in letter form and shall be filed with the tax collector. The forms shall be so prepared as to furnish all information necessary to enable the City Council to act intelligently on the application.

(Prior Code, § 9-51) Penalty, see § [10.99](#)

§ 111.03 APPLICATIONS TO BE ACCOMPANIED BY TAX AND BOND.

Application shall be accompanied by the license tax and bond required by this chapter.

(Prior Code, § 9-52) Penalty, see § [10.99](#)

§ 111.04 BOND REQUIRED.

Each application filed with the City Council for the purpose of obtaining a license for any business as described in § [111.01](#) shall be accompanied by a bond in a sum as may be required by the City Council and with sureties as may be approved by it and conditioned upon the faithful observance by the license and licensee's employees of each provision of this chapter.

(Prior Code, § 9-53) Penalty, see § [10.99](#)

§ 111.05 CAUSE FOR DENIAL OF LICENSE.

The City Council shall not issue a license to any person:

- (A) Who has been convicted of unlawfully selling or possessing with intent to sale or deliver an alcoholic beverage, a controlled substance or counterfeit controlled substance;
- (B) Who is not a citizen and resident of the state;
- (C) Who has been convicted within the last five years of a felony; or
- (D) Who is a habitual user of intoxicating liquor or narcotic drugs.

(Prior Code, § 9-54) (Ord. O-08-02, passed 10-3-2002)

§ 111.06 FORM AND CONTENT OF LICENSE; POSTING.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator and the dates upon which the license begins and shall expire. The license shall be posted in a prominent place on the premises at all times.

(Prior Code, § 9-55) Penalty, see § [10.99](#)

§ 111.07 OPENING AND CLOSING HOURS.

No licensee and no employee of any licensee shall open, or allow to remain open, any hall or room operated under § [111.03](#) before ~~6:00~~ **7:00 a.m.** or after ~~12:00 midnight~~ **2:00 a.m.** ~~or at any time on Sunday.~~

(Prior Code, § 9-56) Penalty, see § [10.99](#)

§ 111.08 UNLAWFUL FOR CERTAIN PERSONS TO ENTER.

~~No person under 18 years of age shall enter any hall or room operated under~~ **No person under 16 years of age shall be permitted from 7:00 a.m. to 3:30 p.m. on school days. No person under 18 years of age permitted after 11:00 p.m.** § [111.01](#).

(Prior Code, § 9-57) Penalty, see § [10.99](#)

§ 111.09 ACTS PROHIBITED TO LICENSEE AND EMPLOYEES.

No license and no employee of any licensee shall:

- (A) Suffer or permit the licensed premises to become disorderly;

(B) Suffer or permit any minor to enter or remain in or on the licensed premises unless minor is under direct supervision by an adult; or

(C) Permit any alcoholic beverages, prescribed medications, controlled or counterfeit substances to be sold on the licensed premises, **except a licensed premises with four or less pool/billiard tables may sell alcoholic beverages with commission approved ABC license.**

(Prior Code, § 9-58) (Ord. O-08-02, passed 10-3-2002; Ord. O-02-03, passed 2-13-2003)
Penalty, see § [10.99](#)

§ 111.10 REVOCATION OF LICENSE.

A second conviction for a violation of any provision of this chapter shall automatically act as a revocation of the license. The City Council may at any other time, for cause, and after a hearing of which reasonable notice shall be given the licensee as the City Council may direct, revoke any license issued hereunder.

(Prior Code, § 9-59) Penalty, see § [10.99](#)

§ 111.11 LICENSE NOT ASSIGNABLE OR TRANSFERABLE.

No license issued hereunder shall be assignable or transferable, and no license issued hereunder shall cover any change of premises without the written permission of the City Council.

(Prior Code, § 9-60) Penalty, see § [10.99](#)

§ 111.12 LOCATION AND REGULATION OF ROOM.

All public pool or billiard rooms shall be located on the ground floor of the building housing the same; shall be well ventilated and lighted at all times; **shall have no window or door coverings that prevent public view from the outside;** shall be open for full inspection by any officer without interference from the proprietor, owner or operator at all times and shall be kept in a sanitary condition at all times.

(Prior Code, § 9-61) Penalty, see § [10.99](#)

ITEM #

7

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

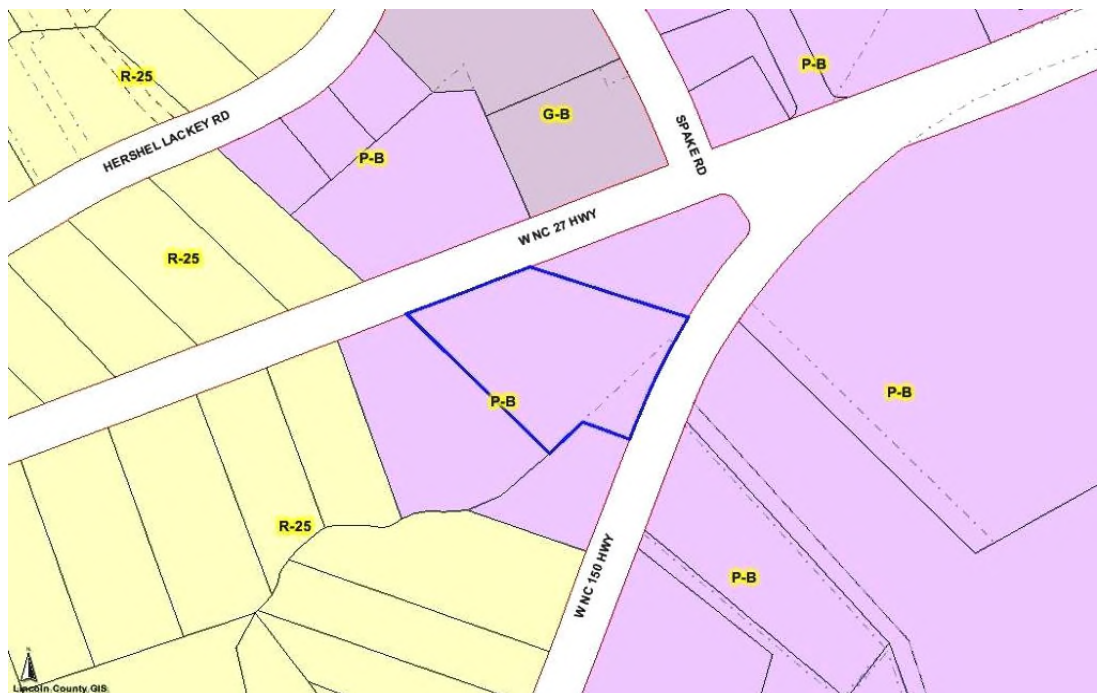
SUBJECT: CUP - 9 - 2017- Conditional Use Permit Application from Teramore Development, LLC to construct a 9,100 square feet retail building in the Planned Business (P-B) district)

DATE: December 7, 2017

SITE AND AREA DESCRIPTION

Teramore Development is requesting a conditional use permit to construct a 9,100 square feet retail building on a 1.22 acre site located approximately 300 feet west of the intersection of West Highway 27 and West Highway 150 (Parcel ID 21439).

The subject property and all surrounding properties are primarily zoned Planned Business (P-B). Several properties located at the intersection of West Highway 27 and Spake Road are zoned General Business (G-B). Properties located further out West Highway 27 and West Highway 150 are zoned R-25.

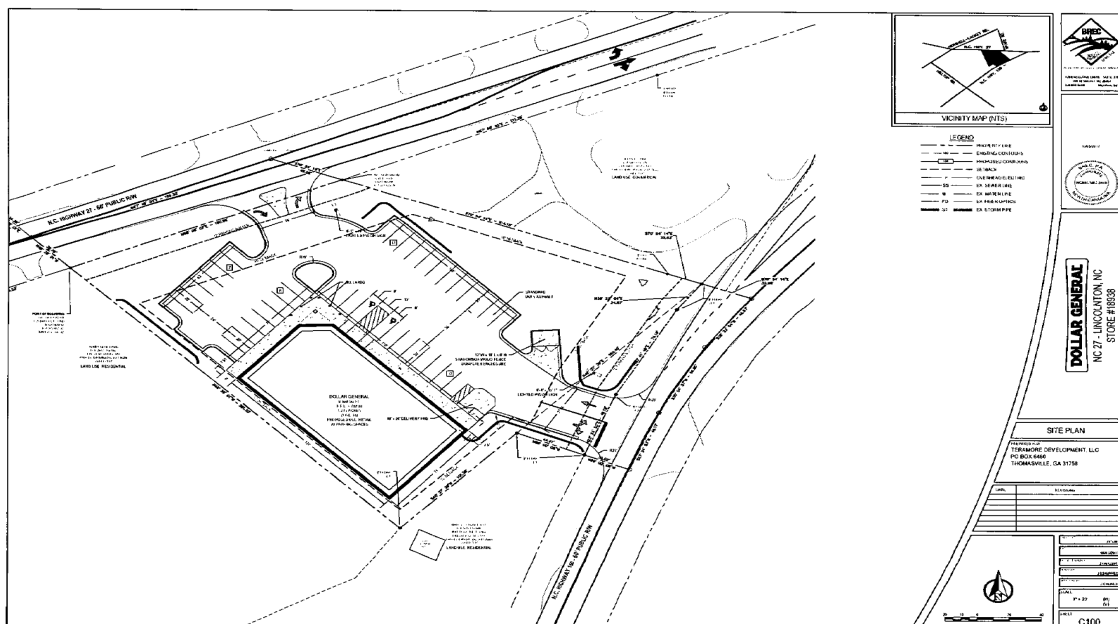


The subject property is vacant. Properties located to the north and across West Highway 27 and West Highway 150 are used for commercial purposes. The parcel located to the west along West Highway 27 is used for office purposes. Properties located further west along West Highway 27 and to the south are residential or vacant.



SITE PLAN

The site plan proposes a new retail building of approximately 9,100 square feet. Access will be provided by one driveway connection to West Highway 27 and one driveway connection to West Highway 150. The driveway to West Highway 27 will be channelized to allow right turns in and out only and the driveway to Highway 150 will be full movement. Thirty nine (39) parking spaces will be provided.



COMPLIANCE WITH WATER SUPPLY WATERSHED STANDARDS

The property is located in the WS-IV watershed protected area which allows up to 70% built upon area through the “10/70 Option”.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan needs to include the following information:

- Parking calculations
- A landscaping plan noting parking lot landscaping and street landscaping
- Built upon area calculations

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 Lincolnnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the items listed above.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The use is in conformity with the Lincolnnton Land Use Plan in that the site is located within the Planned Business Planning Area. The applicant will need to provide evidence that the use will be in harmony with the area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

- (1) Erosion control plan must be submitted to and approved by Lincoln County.
- (2) Building plans must be approved by Lincoln County Inspections.
- (3) Driveway permits must be reviewed and approved by the NCDOT.
- (4) The owner/operator is responsible for storm water leaving the site. Storm water must be configured so as to have no more harmful effect on streets and adjacent properties than the current situation. A storm water management plan is to be reviewed and approved by the Public Works Department prior to issuance of a certificate of occupancy.
- (5) Hours of operation should be limited to between 8:00 am and 10 pm.
- (6) The building design should blend with the character of the area by incorporating brick or brick veneer facades, windows and roof pitch and should avoid long, uninterrupted expanses of blank wall, use of concrete block walls and flat roof.
- (7) Signage should be designed to blend with the character of the area. Wall signage should be limited to the portion of the building wall above the entrance. No window signage should be used and detached signage should be limited to a monument type sign generally similar in scale to the sign at the nearby Peoples Bank. Sign colors should be neutral.
- (8) Any outdoor lighting is to be downwardly directed so as not to cast glare on adjoining properties used for residential purposes.
- (9) An opaque fence or other form of screening along the southern property line should be provided.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to ordinance requirements and Staff Review Committee comments.

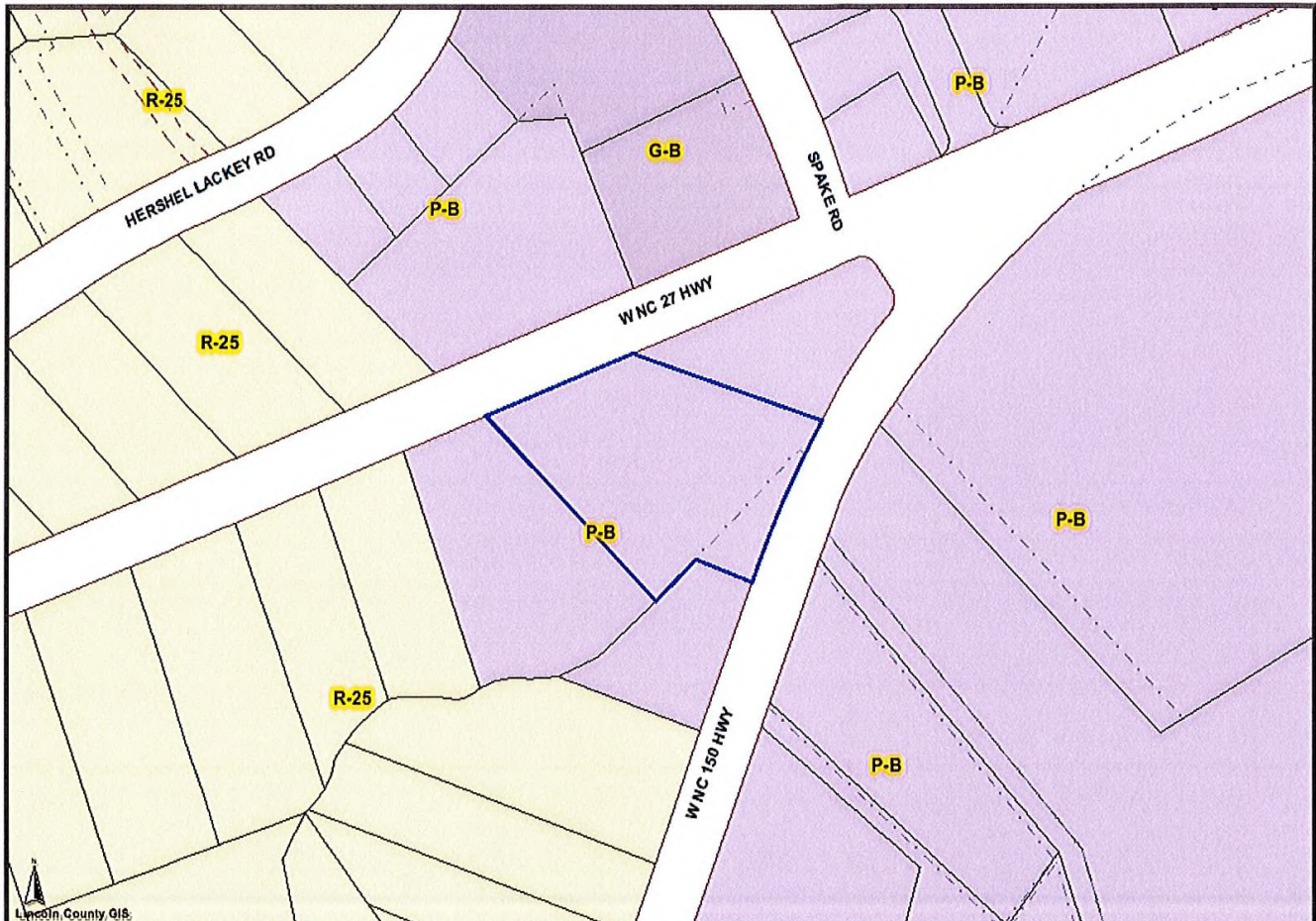


Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division

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

Date: 11/15/2017 Scale: 1 Inch = 200 Feet



PHOTOS		PARCEL INFORMATION FOR 3623-41-0769				
 Photo Not Available	Parcel ID	21439	Owner	CLINE PROPERTIES OF LINCOLN LLC		
	Map	3623-18	Mailing	4415 SCALYBARK LANE		
	Account	0251152	Address	SHERRILLS FORD NC 28673		
	Deed	2668-44	Last Transaction Date	5/25/2017	Sale Price	0
	Value	Work in Progress			Previous Parcel	
	----- All values are for tax year 2017. -----					
	Description	HWY 27 WEST		Deed Acres	1.45	
	Address	W NC 27 HWY		Tax Acres	1.22	
	Township	LINCOLNTON		Tax/Fire District	CROUSE	
	Improvement	No Improvements				
Zoning	Calculated	Voting Precinct		Calculated Acres		
District	Acres	LOVE MEMORIAL (LM16)		1.22		
P-B	1.22					
Watershed Class		Sewer District				
WS-IVP	1.22	Not in the sewer district		1.22		
2000 Census County		Tract	Block			
37109		070400	1001	1.16		
37109		070700	2004	0.06		
Flood	Zone Description	Panel				
X	NO FLOOD HAZARD	3710362300		1.22		



ITEM #

8

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..

R E S O L U T I O N
of Appreciation for

William "Clay" Harrelson

(R-13-17)

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

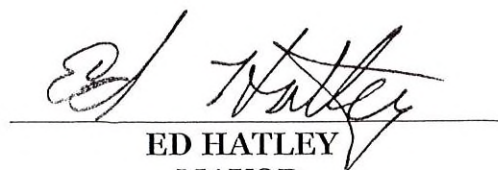
WHEREAS, **William "Clay" Harrelson**, has been employed with the City for 34 years and has demonstrated his dedication to his profession through education and training. Clay received certifications from the North Carolina State Water Pollution Control System Operators Certification Commission and the NC American Water Works Association completing four certifications in four categories that were the highest Certification Attainable; and

WHEREAS, **William "Clay" Harrelson** has assisted the City, along with his department, in maintaining 260 miles of water lines and 225 miles of sewer lines providing quality services to the City and its citizens. In March of 2017 the Distribution and Collections Division was awarded the prestigious OSHA Sharp Award from the NC Department of Labor; being one of only five utility departments in the State to receive this award;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Lincolnton, that appreciation be shown to Clay, honoring him on his upcoming retirement on January 1, 2018, and that we extend congratulations and best wishes to him for continued success in all his future endeavors.

Adopted and presented this the 7th day of December, 2017.


DONNA C. FLOWERS, MMC
CITY CLERK


ED HATLEY
MAYOR

ITEM #

9

CITY COUNCIL
Ed L. Hatley, Mayor
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R E S O L U T I O N
of Appreciation for
(R-14-17)

MARK CARPENTER

WHEREAS, Mark Carpenter began his employment with the City on September 17, 1990, as a Planner II, in the Lincolnton Planning Department; and

WHEREAS, Mark Carpenter became a Certified Zoning Enforcement Officer in 1992 and then in 1999 was named the NC Zoning Official of the Year through the NC Association of Zoning Officials, to which he also served as Treasurer on the certification committee; and

WHEREAS, Mark Carpenter has served on the City's Wellness Committee; he is a member of the NC Association of Zoning Officials, the American Planning Association and the American Institute of Certified Planners. Mark has assisted the Planning Director, City Administration and the Lincolnton Planning Board and Board of Adjustment in many facets regulating and planning growth to encourage the most appropriate use of land, buildings, and other structures within the Lincolnton jurisdiction. He is extremely knowledgeable in many areas of local government, utilizing excellent research and analysis skills working extremely well with the public in sometimes difficult situations;

NOW THEREFORE BE IT RESOLVED, that the governing body of the City of Lincolnton wishes to officially commend **Mark Carpenter** for his service rendered to the City, and that appreciation and honor be shown to him on his upcoming retirement January 1, 2018. May congratulations and best wishes be extended as he begins the next chapter in his life.

Adopted and presented this the 7th day of December, 2017.

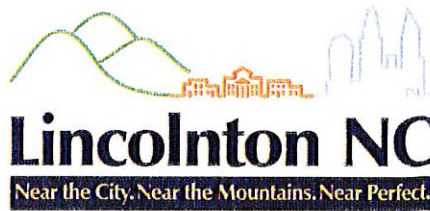
DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

10

CITY COUNCIL
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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LINCOLNTON, NORTH CAROLINA DESIGNATING THE DATE
AND TIME OF THE MONTHLY MEETING OF THE MAYOR AND
CITY COUNCIL IN ORDER TO COMPLY WITH THE OPEN
MEETINGS LAW
(R-15-17)**

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

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

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

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

January 11	May 3	September 6
February 1	June 7	October 4
March 1	July 5	November 1
April 5	August 2	December 6

All of these being held in 2018. The City Council meeting in Regular Session on December 7, 2017 established these dates and time and ordered this resolution be published one time in the Lincoln Times-News at least fifteen days prior to January 11, 2018 meeting. The City Council further ordered a copy of this resolution be posted on the bulletin boards located on the first and second floors of the City Hall, located at 114 W. Sycamore Street. The purpose of this advertisement and the posting of this notice acknowledges the requirement as described in Chapter 143, Article 33 B of the General Statutes of North Carolina.

Adopted this 7th day of December, 2017.

ITEM #

11

CITY OF LINCOLNTON PARKS & RECREATION

P.O. BOX 617
LINCOLNTON, NC 28093-0617

PHONE 704/735-2671
FAX 704/735-1662

800 S. Madison Street

MEMORANDUM

To: Mayor and City Council Members
From: Nathan C. Eurey, Parks and Recreation Director
Subject: Consideration of Resolution amending the Recreation Commission By-Laws
Date: 11/29/17

I have attached a copy of the proposed amendments to the Recreation Commission By-Laws. The current by-laws were written and adopted in August of 2007. There are three (3) proposed amendments to the current by-laws. They are as follows:

- 1.) Changing the name of the Recreation Commission to an Advisory Board. Making this change will bring the name of the board more in line with the purpose of the board, and what it does as stated under Article 2 of the by-laws. As you will see, the word "Commission" has been struck-through, and "Advisory Board" has been added in Red print.
- 2.) Under Article 3, Section 4. – Secretary; it currently states, "He/She (Secretary) shall keep regular accounts showing expenditures and shall render to the Commission, at each regular meeting an account of the financial condition of the Commission." It is recommended that this phrase be eliminated from the by-laws, as the Commission no longer maintains an account as it once did prior to July 1, 2007. The proposed phrase is highlighted in Red, and has been struck-through.
- 3.) Under Article 4, Section 1. – Regular Meetings; It is recommend that the meeting schedule of the Commission/Advisory Board be clarified to state that meetings will be held on a "quarterly, or as needed" basis instead of semi-monthly as it currently reads. As you will see, semi-monthly has been struck-through, and "quarterly, or as needed" has been added in Red print.

I highly recommend these changes be made to help bring clarity to questions that potential candidates may have when applying to a vacant position on the Recreation Board.

NCE

BYLAWS
LINCOLNTON RECREATION ~~COMMISSION~~ ADVISORY BOARD

ARTICLE I – THE ~~COMMISSION~~ ADVISORY BOARD

Section 1. Name of ~~Commission~~ Advisory Board. The name of the ~~Commission~~ Advisory Board shall be the “Lincolnton Recreation ~~Commission~~ Advisory Board.”

Section 2. Office Authority. The offices of the ~~Commission~~ Advisory Board shall be at William M. Lentz Recreation Center in the city of Lincolnton, Lincoln County, North Carolina, but the ~~Commission~~ Advisory Board may hold its meetings at such other places as it may designate.

Section 3. Membership. The Lincolnton Recreation ~~Commission~~ Advisory Board shall be appointed by the Lincolnton City Council and shall consist of 5 members. The City Council shall appoint members for a term of three years. Vacancies in the Lincolnton Recreation ~~Commission~~ Advisory Board shall be filled for the unexpired term by appointment of the City Council. The members shall serve without compensation. One member of the City Council shall serve as ex officio member.

Section 4. Attendance. It shall be the duty of each member to attend meetings whenever possible.

ARTICLE II – PURPOSE

The Lincolnton Recreation ~~Commission~~ Advisory Board shall advise on the provision, maintenance, operation, and supervision of the public parks and playgrounds, athletic fields, recreation centers, and other facilities owned, controlled, or leased by the City of Lincolnton.

ARTICLE III – OFFICERS

Section 1. The officers of the ~~Commission~~ Advisory Board shall be a Chairman, Vice-Chairman, and a Secretary.

Section 2. Chairman. The Chairman shall preside at all meetings of the ~~Commission~~ Advisory Board. At such meetings the Chairman shall submit recommendations and information he/she may consider proper concerning business, affairs, and policies of the ~~Commission~~ Advisory Board.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 4. Secretary. The Secretary shall be the Recreation Director, and as such shall have general supervision over the administration of its business and affairs, subject to the direction of the ~~Commission~~ Advisory Board. He/she shall be charged with the management of the projects of the ~~Commission~~ Advisory Board. The Recreation Director may appoint a staff member as recording secretary.

The Secretary shall keep the records of the ~~Commission~~ **Advisory Board**, shall act as secretary of the meetings of the ~~Commission~~ **Advisory Board** and record all votes, shall keep a record of the proceedings of the ~~Commission~~ **Advisory Board** in a journal of proceedings minutes, and shall perform all duties incident to his/her office.

~~He/she shall keep regular accounts showing expenditures and shall render to the Commission, at each regular meeting an account of the financial condition of the Commission.~~

Section 5. Additional Duties. The officers of the ~~Commission~~ **Advisory Board** shall perform ~~such other~~ **additional** duties and functions as ~~may~~ that from time to time **may** be required.

Section 6. Election or Appointment of Officers. The Chairman and Vice-Chairman shall be elected at the first meeting of the new fiscal year. They shall be chosen from among the ~~Commission~~ **Advisory Board**, and shall hold office for one year or until their successors are elected and qualified.

Section 7. Additional Personnel. The ~~Commission~~ **Advisory Board** may from time to time recommend for employment such personnel as it deems necessary to exercise its duties and functions as prescribed by the establishing resolution.

ARTICLE IV - MEETINGS

Section 1. Regular Meetings. The regular meeting shall be scheduled ~~semimonthly~~ **quarterly, or as needed**, at a date and time to be determined at the first meeting of each fiscal year.

Section 2. Special Meetings. The Chairman of the ~~Commission~~ **Advisory Board** or his/her designee may, when he/she deems it necessary, call a special meeting of the ~~Commission~~ **Advisory Board** for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the ~~Commission~~ **Advisory Board** or may be mailed to each member of the ~~Commission~~ **Advisory Board** at least three days prior to the date of such special meeting.

Section 3. Quorum. A quorum shall consist of a majority of the members. When a quorum is in attendance, action may be taken by the ~~Commission~~ **Advisory Board** upon a vote of a majority of the members present.

Section 4. Order of Business. All meetings of the ~~Commission~~ **Advisory Board** shall follow Roberts Rules of Order (current edition) with the following being the general order of business:

1. Roll call
2. Reading and approval of the minutes of the previous meeting
3. Communications
4. Report of the Director
5. Reports of Committees
6. Business
7. Adjournment

ARTICLE V – AMENDMENTS

Amendments to Bylaws. The bylaws of the ~~Commission~~ **Advisory Board** shall be amended only with the approval of a majority of the members of the ~~Commission~~ **Advisory Board** at a regular or a special meeting, but no such amendments shall be adopted unless at least seven days written notice thereof has been previously given to all members of the ~~Commission~~ **Advisory Board**.

Adopted as amended, this the 28th day of August, 2007.

Revision Date: October 24, 2017

NCE/jh

ITEM #

12

MEMO TO: Mayor and City Council Members

FROM: Laura Elam

SUBJECT: Resolution to Designate Review Officer

DATE: December 7, 2017

Background

The North Carolina General Statutes requires the Board of Commissioners of each county to designate by name one or more persons as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.

With the upcoming retirement of Mark Carpenter, new Review Officers will need to be designated.

The enclosed is a resolution for City Council's adoption designating Brett Hicks and Laura Elam as Review Officers for the City.

Action Requested

Approval of enclosed resolution designating Brett Hicks and Laura Elam as Review Officers.

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..

**CITY OF LINCOLNTON RESOLUTION
TO APPOINT BRETT HICKS AND LAURA ELAM
AS REVIEW OFFICERS
(R-17-2017)**

WHEREAS, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, to comply with General Statute 47-30.2 the Lincolnton City Council enacts this Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE LINCOLNTON CITY COUNCIL:

1. That Brett Hicks and Laura Elam are hereby appointed as a **REVIEW OFFICER** to review each map or plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat s presented to the Register of Deeds for recording.
3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.
4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincolnton City Council at its regular December 7, 2017 meeting.

Adopted this 7th day of December, 2017.

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

**ED HATLEY
MAYOR**

ITEM #

13

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



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szickefoose@lincolntonnc.org
CITY CLERK
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donnaflowers@ci.lincolnton.nc.us
CITY ATTORNEY
Thomas J. Wilson, Jr.

TO: Mayor & City Council
FROM: Donna C. Flowers, City Clerk
DATE: December 1, 2017
SUBJECT: Appointments

The following board members are eligible for re-appointment in accordance with City policy:

ABC BOARD - Emily Robinson

(NOTE: Emily was appointed to complete the unexpired term of Ed Hatley and would begin a first three year term; January 2018 through December 2020)

The below are scheduled to begin serving a second 3 year term; January 2018 – Dec 2020:

HISTORIC PROPERTIES - Annette Stone
HOUSING AUTHORITY - Elaine Harmon
PLANNING BOARD - And Lynn
TOURISM DEV AUTH - Carol King

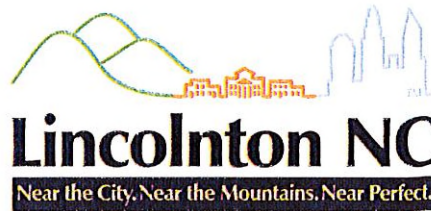
Council could make one motion to re-appoint those listed above

The City posted the board vacancy advertisement for two boards and applications received were as follows for new appointees: (*Copies of applications received are attached*)

HOUSING AUTHORITY - Ralph Lineberger
RECREATION - Daphne Ingram

A separate motion for each new appointment is necessary and once appointments are made, I will contact the individuals of Council's action and set up a time to administer the oath of office to those newly appointed to begin serving. Should you have any questions please feel free to contact me.

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..

**CITY OF LINCOLNTON
NOTIFICATION OF OPENINGS FOR BOARDS,
COMMITTEES AND COMMISSIONS**

The City of Lincolnton is now accepting applications from City residents who are interested in serving on the following City Board(s) and or Commission(s):

**Lincolnton Housing Authority (1 vacancy)
Recreation Commission (1 vacancy)**

The appointment term would begin January 2017 for a three year period. Applications are available online at www.ci.lincolnton.nc.us or at the City Clerk's Office, located on the second floor of City Hall. Application deadline is 5:00 p.m., Monday, November 20, 2017.

For additional information regarding vacancies, please contact Donna Flowers, City Clerk at (704)736-8980 or donnaflowers@ci.lincolnton.nc.us.

**Advertise 3t: Monday, October 30, 2017
Monday, November 6, 2017
Monday, November 13, 2017**

ITEM #

14



**Application for Boards/Commissions/Committees
Lincolnton City Council**

Please complete each section

Full Name Ralph Lineberger Date of Birth 4-30-40
Home Address 310 N. Govt. Street, Lincolnton, NC 28092
Home Phone (704) 732-9904
Current Employer retired
Job Title _____ Years in current position _____
Business Phone _____ Fax _____
E-Mail Address line71@bellsouth.net
Duties _____

Other employment history _____

**It is the City Council's goal to maintain a balance of membership on its
Boards/Commissions/Committees based on race, gender and Council Ward residency.**

Council Ward No. 3
Male ☒ Female _____
White ☒ Black _____ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form)

Lincolnton Housing Authority

Generally, the Council desires to broaden participation on Boards /Commissions/Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 1 Board/Commission/Committee. Therefore, please list any other Board/Commission/Committee on which you currently serve:

none currently but I am a former Housing Authority member

Why are you interested in serving on this Board/Commission/Committee? _____

For the betterment of Lincolnton

Interest/Skills/Areas of Expertise/Professional Organization/Activities

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No ☒ If yes, please explain disposition _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as a appointee of the City Council?

Yes _____ No ☒

If yes, please explain

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/ Committee. I understand regular attendance to any Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less then the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature Ralph P. Lincolnton Jr.

Date 11-2-17
Form is invalid if not signed and dated

Return completed form to:

Donna C. Flowers

City Clerk's Office

P.O. Box 617

Lincolnton, North Carolina 28092

Phone: (704) 736-8980

Fax: (704) 736-8995

Email: donnaflowers@ci.lincolnton.nc.us

Do not submit any resumes or attachments
Applicants are required to be a resident of the City of Lincolnton



**Application for Boards/Commissions/Committees
Lincolnton City Council**

Please complete each section

Full Name Daphne A. Ingram Date of Birth 1-07-67
Home Address 806 Salem Church Rd. Lincolnton, NC 28092
Home Phone 704-735-7467
Current Employer Lincoln County Family YMCA
Job Title Fitness Instructor Years in current position 8 months
Business Phone _____ Fax _____
E-Mail Address allmychildren767@gmail.com
Duties _____

Other employment history City of Lincolnton

**It is the City Council's goal to maintain a balance of membership on its
Boards/Commissions/Committees based on race, gender and Council Ward residency.**

Council Ward No. 2
Male _____ Female ☒
White _____ Black ☒ Native American _____ Asian _____ Other _____

Board/Commission/Committee Applying For (list only one per form)

Recreation Commission

Generally, the Council desires to broaden participation on Boards /Commissions/Committees for as much citizen involvement as possible; therefore, a goal is to limit appointees to no more than 1 Board/Commission/Committee. Therefore, please list any other Board/Commission/Committee on which you currently serve:

None

Why are you interested in serving on this Board/Commission/Committee? To get actively involved in the community in the future endeavors of the City.

Interest/Skills/Areas of Expertise/Professional Organization/Activities

Fitness & recreation background Certified in Group Exercise
Studying for a personal trainer

Affirmation of Eligibility:

Has any formal charge of professional misconduct, criminal misdemeanor or felony ever been filed against you in any jurisdiction?

Yes _____ No ☒ If yes, please explain disposition _____

Is there any conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as a appointee of the City Council?

Yes _____ No ☒

If yes, please explain

I understand this application is public record and I certify that the facts contained in this application are true and correct to the best of my knowledge. I authorize and consent to background checks and to the investigation and verification of all statements contained herein as deemed appropriate. I further authorize all information concerning my qualifications to be investigated and release all parties from all liability for any damages that may result from this investigation. I understand and agree that any misstatement may be cause for my removal from any Board/Commission/ Committee. I understand regular attendance to any Board/Commission/Committee is important and, accordingly, I further understand that if my attendance is less then the standards established for any such body that this is cause for removal. Lacking any written standards for attendance by any Board/Commission/Committee it is expected that I will attend at least 75% of all meetings during any one calendar year to maintain my seat on any Board/Commission/Committee to which I may be appointed. This form will remain on file in the Office of the City Clerk and requests for updates will be sought prior to any consideration for reappointment (or future appointment) to any Board/Commission/Committee.

Signature Daphne Ingram

Date 11-15-17
Form is invalid if not signed and dated

Return completed form to:

Donna C. Flowers

City Clerk's Office

P.O. Box 617

Lincolnton, North Carolina 28092

Phone: (704) 736-8980

Fax: (704) 736-8995

Email: donnaflowers@ci.lincolnton.nc.us

Do not submit any resumes or attachments
Applicants are required to be a resident of the City of Lincolnton

ITEM #

15

MEMO TO: Mayor and City Council Members

FROM: City of Lincoln Planning Department

DATE: December 7, 2017

RE: Business Incentive Grant (BIG-9-2017)

Application from Jonathan Wise for Business Incentive Grant for building renovations for new industrial park at 311 Motz Avenue

Project Information

- Location: 311 Motz Avenue
- Use: Building renovations for new industrial park
 - o Renovate bathrooms
 - o Replacement of drywall
 - o Replacement of fixtures
 - o Remove and replace sections of damaged flooring
 - o Replace broken glass doors and windows where needed
- Total project cost estimate: \$50,000
- Anticipated start: December 2017
- Anticipated Completion: December 2018

Request

- \$5,000 for building renovations

LINCOLN COUNTY IMPROVEMENT PHOTOS

PIN 3623-70-7306

11/28/2017



All values are for tax year 2017.

Parcel ID	00419	Deed	2677-24	Improvement	Area	Basement	Year Built	Value
PIN	3623-70-7306	Last Transaction	7/7/2017	#1	(2)			
Account	0263199	Date			OFFICE/WAREHOUSE	82469	0	
Owner	WISE REAL ESTATE HOLDINGS LLC	Sale Price	\$50,000	Market Value	\$252,670			
Mailing Address	PO BOX 390	Land Value	\$190,265	#11	BUSINESS CENTER	27275	0	
Description	ICARD NC 28666	Total Value	\$835,688	Market Value	\$250,323			
Address	OLD BURLINGTON PLANT	Deed Acres	0	#9	WAREHOUSE/PICKER ROOM	35200	0	
Township	311 15 MOTZ AV LINCOLNTON	Tax Acres	20.48	Market Value	\$102,000			
		Zoning	GMC	#3	ASPHALT PAVING	60000	0	
		Fire District	CITY OF LINCOLNTON	Market Value	\$30,375			
				#4	FENCE W/ BARB WIRE 6' HI	1880	0	
				Market Value	\$6,345			
				#5	RAILROAD SIDING	150	0	
				Market Value	\$3,417			
				#13	PUMP HOUSE	180	0	
				Market Value	\$293			



City of Lincolnton Business Incentive Grant Application
Building Rehabilitations and Renovations
Which Encourage
Economic Development in Lincolnton

DATE:	7/29/17
NAME OF APPLICANT:	Johnathan Wise
PROJECT NAME:	Motz Industrial Park
PROJECT DESCRIPTION:	Clean up and Renovate the existing buildings/landscape so that new businesses can move in and be able to grow their business to help support the economic development of the county.
PROJECT ADDRESS:	311 Motz Ave Lincolnton, NC 28092
APPLICANT HOME ADDRESS:	3386 John Williams Rd Connelly Springs, NC 28612
EMAIL ADDRESS:	john@vaporboningtechnologies.com
TELEPHONE:	(704) 530-1009

If Property Owner differs from Business Owner, complete the following:

NAME OF PROPERTY OWNER:	
ADDRESS:	
EMAIL ADDRESS:	
TELEPHONE:	

City of Lincolnton Business Incentive Grant Application – Attachment Sheet

- 1) Provide an itemized cost estimate of materials, supplies and labor costs of this project.
- 2) Provide a sketch or scaled drawing of the proposed renovation work.
- 3) Provide current photograph of (1) the building itself and (2) within the context of streetscape clearly showing the existing conditions of the proposed area of improvement.



- 4) **Written plans for future improvements to the building and proposed time frame for such work.**

Paint the front of the building and have new awnings placed; Clean out the individual bays, redo their bathrooms (replace the drywall) new paint and fixtures; Remove and replace the bad wooden floors that have been damaged from water; Replace the broken glass doors and windows where needed; Remove the splotted paint from the side of the building; Paint where needed; Repair the chain-linked fence and barbwire where needed, paint it black and place some privacy slats; Repaint the parking lot lines; Remove the stumps and any remaining shrubs/trees that are not esthetically pleasing.

ITEM #

16



4th Quarter Steering Committee Update

12-07-17

Prepared by Fred Jarrett, Chairman

Talking Points:

1. As noted in 3rd quarter update the status of the Central Business District Strategic Plan (CBDSP):
 - DDA will own and facilitate development and sustainability of the CBDSP.
 - Steering Committee will provide guidance, monitoring and oversight in plan development and execution.
 - Partnered with Sherry Adams of NC Main Street Center for CBDSP development, review and feedback.
 - Vision Statement developed and presented to Council at October 5th Council meeting with your approval.
 - CBDSP committee and stakeholders met with Sherry Adams on November 13th to continue work on the plan.
 - Draft strategies and goals have been developed and the DDA is now working on the draft to get into a final disposition for Sherry Adams to return and move the plan closer to a final product.
 - Ask And to provide input from the November 13th meeting.
 - As noted at 3rd quarter update the Goal is to have CBDSP in-place by year end with implementation occurring - - - maybe sooner or later - - - looks like it is going to be a little later.

“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.”

2. Allied Support Organization membership has increased from 10 to 11 members. The last member added to the committee was appointed by the County Commissioners, Anita McCall.
3. Continue performing due diligence for the Business Incentive Grants (BIG) and recommending to the City Manager whether to take the grants to Council for approval. Currently reviewed nine (9) grants this year and recommended the City Manager present to Council for approval.
4. Committee Action Items - currently at 31 action items for the year with four (4) not completed. At the 3rd quarter update we were at 22 action items with nine (9) open action items.

5. Steering Committee was asked to pursue a possible resolution for disruption at downtown events. Committee evaluated and reached out to others to determine the best course of action to take. A recommendation from the Committee was made at the October 5th Council meeting for Council to take the necessary actions to enact the revised Noise Ordinances to address the disruption concern shared by many.

City Ordinances:

- 93.015 Unnecessary Noise Prohibited Generally
- 93.016 Unnecessary Noise Prohibited Specifically
- 130. Offenses Against Public Peace and Safety
 - Specifically 130.05 Special Events and Festivals

Tangible Outcomes:

6. May 4th update to Council shared that a Mobile Town Guide App was being pursued. The App is now functional. Pamphlets describing the App are available and being placed in businesses downtown. Lou Ann Cain and Carol King were instrumental in making this happen along with And Lynn and Jean Derby. Jean is now serving as the point-of-contact for app administration.
7. A Quilt Trail has been pursued by a committee member, Angela Lovelace. The quilt trail will consist of six quilt squares. One quilt square is up on LEDA building.
8. Building murals - committee was involved in assuring available monies for murals was acquired. Results - LTN building, old Belk store, and Carpenter Cab.
9. Committee's 'To Do List' for evaluation and action:

A. Review City Ordinances

The purpose of a comprehensive Ordinance review will be to take an in depth look at existing ordinances to:

- 1) determine if an ordinance is still needed or if it should be combined with another ordinance,
- 2) determine whether the purpose and goal of the ordinance is still being met,
- 3) determine if changes are required to improve the effectiveness or clarity of the ordinance, and
- 4) to ensure that appropriate monitoring and ongoing review of the ordinance is occurring.

B. Business Incentive Grants - establish a method to determine ROI.

C. Ramseur's Mill - continue developing as a historic site and a place to visit.

This concludes the 4th quarter update for the major activities of the Steering Committee.

Any questions?

ITEM #

17

Executive Summary

October 2017 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of		Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	4,215,577	38%		10,662,262	3,939,669	275,908
	Fund Balance	785,301	-	-		1,366,107	-	-
		11,038,040	4,215,577			12,028,369	3,939,669	275,908
	City Manager/Clerk	333,365	136,844			309,730	88,801	48,043
	Human Resources	235,030	81,023			215,848	73,607	7,417
	Finance	279,012	182,538			273,609	176,946	5,592
	General Expense	809,520	442,482			878,154	323,201	119,281
	General Debt Service	463,524	25,423			425,535	28,768	(3,346)
	Police	3,344,770	987,401			3,153,942	987,804	(403)
	Fire	2,030,690	730,992			2,206,450	646,924	84,068
	Public Works	181,356	74,838			246,538	64,809	10,029
	Street	1,229,141	243,155			1,534,891	391,148	(147,993)
	Equipment Services	132,120	51,620			157,819	77,753	(26,133)
	Solid Waste	718,328	184,787			820,485	220,718	(35,932)
	General Services	-	-			212,559	74,731	(74,731)
	Plannin/Zoning	277,060	86,761			276,258	63,004	23,757
	Bus & Comm. Dev	132,454	10,112			160,693	48,329	(38,217)
	Recreation	871,670	361,691			1,155,858	229,804	131,887
	Expenses	11,038,040	3,599,667	33%		12,028,369	3,496,347	103,320
	Difference		615,910				443,322	172,588

Water & Sewer Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 61	Revenues	7,449,995	2,810,698	36%	7,867,135	2,965,207	(154,509)
	Fund Balance	390,000	-		1,265,399		
		7,839,995	2,810,698		9,132,534	2,965,207	(154,509)
	Water Treatment	1,501,500	409,139		1,476,528	378,847	30,291
	Dist & Collection	1,356,250	467,474		2,390,175	869,333	(401,859)
	Wastewater	1,537,900	275,010		1,648,076	295,505	(20,495)
	W & S Intangibles	3,444,345	234,097		3,617,755	277,901	(43,804)
	Expenses	7,839,995	1,385,719	18%	9,132,534	1,821,586	(435,867)
	Difference		1,424,979			1,143,621	281,358
Electric Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 63	Revenues	7,791,714	2,768,490	36%	8,000,000	2,898,478	(129,988)
	Fund Balance	-	-		79,000	-	-
		7,791,714	2,768,490		8,079,000	2,898,478	(129,988)
	Electric Dept.	7,791,714	2,263,862		8,079,000	2,197,880	65,982
	Expenses	7,791,714	2,263,862	29%	8,079,000	2,197,880	65,982
	Difference		504,628			700,598	(195,970)
Overtime	80+ hours		96,836			103,033	(6,197)

A G E N D A
LINCOLNTON CITY COUNCIL

December 7, 2017

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

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

3. Approval of Minutes November 2, 2017 Meeting

4. Call to Public Hearing for the January 11th, 2018 meeting:

- CUP-10-2017 – Application from Brian and Marie Kenyon requesting a conditional use permit to operate a Tap Room in the Central Business (CB) District. The subject property is located at 118 E. Water Street (Parcel 20481).
- CUP-11-2017 – Application from Pete and April DeGregory requesting a conditional use permit to operate a Tavern in the Central Business (CB) District. The subject property is located at 110 E. Water Street (Parcel 20480).

REGULAR AGENDA:

PUBLIC HEARING

(O-18-17)

5. Proposed amendment to the City's Code of Ordinances – Title IX – General Regulations – Chapter 93.016; Unnecessary Noise Prohibited Specifically and Title XIII – General Regulations – Chapter 130: Offenses Against Public Peace and Safety

**Fred Jarrett, Chair
Lincolnton Steering Committee**