

A G E N D A

LINCOLNTON CITY COUNCIL

February 1, 2018

7:00 p.m.

Council Chambers

City Hall

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

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

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

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

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

A G E N D A

LINCOLNTON CITY COUNCIL

February 1, 2018

7:00 p.m.

CALL TO ORDER – Mayor Ed Hatley

PLEDGE OF ALLEGIANCE

1. Approval of REGULAR AGENDA

2. Approval of CONSENT AGENDA

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

3. Approval of minutes from January 11th regular meeting

**4. Calls to Public Hearing for the March 1st City Council meeting
(The deadline is January 29th)**

**5. Resolution (R-01-2018) to surplus the handgun and badge for
Lincolnton Police Officer Willie Vaughn – “Glock” – Model 19, Gen
4, Serial Number YCZ914 – which would be presented to him upon
his retirement**

**6. Approval of presenting the Medal of Valor (March 1st City Council
meeting) to Lincolnton Police Officer Thomas Hall for his heroic
efforts on February 4th, 2017**

REGULAR AGENDA:

RESOLUTION

(R-02-18)

**7. Resolution of Intent - AFG FEMA Grant – to secure matching
funds for a potential grant FEMA – Assistance to Firefighters
Grant (AFG) to the Lincolnton Fire Department (Note: The
City’s portion of the grant would be a 5% or \$ 7,714.00 of the
total \$ 154,286.00 grant amount)**

Brent Smith, Assistant Fire Chief

CONTRACT
(C-02-18)

- 8. Consideration of contract between the City and East Coast Pyrotechnics for fireworks display for the 2018 July 4th Celebration - \$ 11,000 (15 to 18 minute display)**

Donna Flowers, City Clerk

OTHER BUSINESS

- 9. Request that Council endorse a referendum to be on the November 2018 election ballot – to permit "on premise" and Off premise" sale of unfortified wines. *Draft Resolution (R-03-2018)Attached***

Tommy Husky, DDA

- 10. Update on Rail Trail Crossings**

Richard Haynes, Assistant City Manager

- 11. Update on the creation of a City Inspections Department**

Steve Zickefoose, City Manager

- 12. Monthly Financial/ Overtime Report**

Steve Zickefoose, City Manager

PUBLIC COMMENT

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

NEWS MEDIA

ADJOURNMENT

ITEM #

1

APPROVAL

OF

REGULAR

AGENDA

ITEM #

2

APPROVAL

OF

CONSENT

AGENDA

ITEM #

3

REGULAR MEETING - JANUARY 11, 2018

The Mayor and City Council met in regular session on Thursday, January 11, 2018 at 7:00 pm in the Council Chambers of City hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Hatley called the meeting to order. First United Church Boy Scouts – Troop 75 members Jake Bauer and Joby Rhyne led the Pledge of Allegiance.

Council members in attendance were:

SMITH BLACK EADDY JETTON

Councilman Eaddy made the motion unanimously approved the *REGULAR AGENDA*.

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

- Approved Minutes from the December 7, 2017 Regular Meeting
- Approved of Technical Corrections to the City's Charter; regarding changes made at the May 4th 2017 regular meeting. These changes are going before the General Assembly as technical corrections as City Council made no other amendments to the section *(Will be submitted at the conclusion of the January 11th meeting to the NC General Assembly)*

REGULAR AGENDA:

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 20281).

CUP-10-2017

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the request. Laura Elam, Planning Director, reviewed the request from Brian and Marie Kenyon for a conditional use permit to operate a tap room in the central business district. The subject property is located at 118 E. Water Street. The property and all surrounding properties are primarily zoned central business. Several properties located at the intersection of S. Academy Street and East Church Street are zoned residential-office. Laura said the subject property and all surrounding properties are used for commercial purposes.

Laura further reviewed the applicants compliance with Section 153.236 and 153.237 of the Unified Development Ordinance, for the proposed use. She noted the following staff review committee comments: (1) Building plans must be approved by Lincoln County Inspections (2) Coordinate electrical connection with Chris Wilson – City of Lincolnton

REGULAR MEETING - JANUARY 11, 2018

Public Works (3) Coordinate water/sewer connection with Robert Pearson -- Lincolnton Water Treatment (4) resurfacing or upgrading the front sidewalks/driveways is recommended. Any cost associated with upgrades would be the developer's responsibility (5) A grease trap may be required. If required, it must be approved by the pretreatment coordinator prior to development (6) Solid Waste pick up; the City would provide 6 roll outs. If additional solid waste pick up is needed, it would need to be provided by a private contractor. All recyclables must be handled via private contractor.

Laura concluded recommending approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and staff review committee comments bring met.

Brian and Marie Kenyon, the applicants, spoke to Council offering to answer any questions they may have regarding the request. Marie said she, her husband and three sons would be owners/operators of the tap room. They plan is to have craft brews from around the region and make it so that people can stay in the City and not have to travel to Asheville or other areas for craft brews. They are excited about the warm welcome they have received. They plan to do improvements to the building on both the front and back as well as the inside.

Councilman Jetton asked if they would utilize the parking space at the back of the building. They said they do plan to use that space. Councilman Jetton also questioned the hours of operation, Mr. Kenyon said they plan to open five days per week, Tuesday through Sunday from 12 noon to 7:00 pm or 8:00 pm. They may want to accommodate people for game days.

Steve Widdows spoke against the request. He said, "I detected a northern accent there, which probably means not from the Bible belt. Southern accent could be Bible belt." He expressed his opposition to a beer tavern and alcohol.

Alan Hoyle expressed his concerns about the Council Chambers not being large enough to hold last month's crowd, as over flow was in the lobby area. He felt speakers should be placed in the lobby area, and possibly a monitor for those who have to be in the lobby to view the meeting. He also spoke against a tavern coming to Lincolnton. He is against drinking, drinking and driving and he doesn't feel a tap room would create a family atmosphere, and could create family violence.

Having no others to speak to the request, Councilman Jetton made the motion unanimously approved to close the Public Hearing.

REGULAR MEETING - JANUARY 11, 2018

The Mayor and City Council met in regular session on Thursday, January 11, 2018 at 7:00 pm in the Council Chambers of City hall, located at 114 West Sycamore Street, Lincolnton, NC.

Mayor Hatley called the meeting to order. First United Church Boy Scouts – Troop 75 members Jake Bauer and Joby Rhyne led the Pledge of Allegiance.

Council members in attendance were:

SMITH BLACK EADDY JETTON

Councilman Eaddy made the motion unanimously approved the *REGULAR AGENDA*.

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

- Approved Minutes from the December 7, 2017 Regular Meeting
- Approved of Technical Corrections to the City's Charter; regarding changes made at the May 4th 2017 regular meeting. These changes are going before the General Assembly as technical corrections as City Council made no other amendments to the section *(Will be submitted at the conclusion of the January 11th meeting to the NC General Assembly)*

REGULAR AGENDA:

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 20281).

CUP-10-2017

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the request. Laura Elam, Planning Director, reviewed the request from Brian and Marie Kenyon for a conditional use permit to operate a tap room in the central business district. The subject property is located at 118 E. Water Street. The property and all surrounding properties are primarily zoned central business. Several properties located at the intersection of S. Academy Street and East Church Street are zoned residential-office. Laura said the subject property and all surrounding properties are used for commercial purposes.

Laura further reviewed the applicants compliance with Section 153.236 and 153.237 of the Unified Development Ordinance, for the proposed use. She noted the following staff review committee comments: (1) Building plans must be approved by Lincoln County Inspections (2) Coordinate electrical connection with Chris Wilson – City of Lincolnton

REGULAR MEETING - JANUARY 11, 2018

Public Works (3) Coordinate water/sewer connection with Robert Pearson -- Lincolnton Water Treatment (4) resurfacing or upgrading the front sidewalks/driveways is recommended. Any cost associated with upgrades would be the developer's responsibility (5) A grease trap may be required. If required, it must be approved by the pretreatment coordinator prior to development (6) Solid Waste pick up; the City would provide 6 roll outs. If additional solid waste pick up is needed, it would need to be provided by a private contractor. All recyclables must be handled via private contractor.

Laura concluded recommending approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and staff review committee comments bring met.

Brian and Marie Kenyon, the applicants, spoke to Council offering to answer any questions they may have regarding the request. Marie said she, her husband and three sons would be owners/operators of the tap room. They plan is to have craft brews from around the region and make it so that people can stay in the City and not have to travel to Asheville or other areas for craft brews. They are excited about the warm welcome they have received. They plan to do improvements to the building on both the front and back as well as the inside.

Councilman Jetton asked if they would utilize the parking space at the back of the building. They said they do plan to use that space. Councilman Jetton also questioned the hours of operation, Mr. Kenyon said they plan to open five days per week, Tuesday through Sunday from 12 noon to 7:00 pm or 8:00 pm. They may want to accommodate people for game days.

Steve Widdows spoke against the request. He said, "I detected a northern accent there, which probably means not from the Bible belt. Southern accent could be Bible belt." He expressed his opposition to a beer tavern and alcohol.

Alan Hoyle expressed his concerns about the Council Chambers not being large enough to hold last month's crowd, as over flow was in the lobby area. He felt speakers should be placed in the lobby area, and possibly a monitor for those who have to be in the lobby to view the meeting. He also spoke against a tavern coming to Lincolnton. He is against drinking, drinking and driving and he doesn't feel a tap room would create a family atmosphere, and could create family violence.

Having no others to speak to the request, Councilman Jetton made the motion unanimously approved to close the Public Hearing.

REGULAR MEETING - JANUARY 11, 2018

Findings of Fact:

- (1) Councilman Eaddy made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Jetton made the motion unanimously approved that the use meets all required conditions and specifications.
- (3) Councilman Black made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (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, would be in harmony with the area in which it is to be located and would be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City and as officially adopted by the City Council.

Councilman Eaddy made the motion to approve the request as recommended by the Planning Board and staff with the noted recommendations as stated above.

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

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).

CUP-11-2017

Mayor Hatley opened the Public Hearing. The City Clerk administered the oath to all those wishing to speak for or against the request. Laura Elam, Planning Director, reviewed the request from Pete and April DeGregory to operate a tavern in the central business district at the above said location. Laura said the properties surrounding the proposed location are primarily zoned central business. Several properties located at the intersection of S. Aspen Street and West Church Street are zoned Residential-Office. She said the subject properties are used for commercial purposes. She further reviewed the applicant's compliance with Section 153.237 of the Lincolnton Land Use Plan. The staff review committee comments were as follows: (1) Building plans must be approved by Lincoln County Inspections (2) Coordinate electrical connection with Chris Wilson – Lincolnton Public Works (3) Coordinate water/sewer connection with Robert Pearson, Lincolnton Water Treatment (4) Resurfacing or upgrading the front sidewalk was recommended, with any cost associated being the developers responsibility (5) A grease trap may be required. If required, it must be approved by the pretreatment coordinator prior to development (6) The City would provide

REGULAR MEETING - JANUARY 11, 2018

six (6) roll outs for solid waste pick up. Any additional solid waste pick up would be provided by a private contractor. All recyclables must be handled via private contractor.

Laura concluded recommending on behalf of Planning Board and staff, approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and staff review committee comments.

Applicant Pete DeGregory spoke to Council, offering to answer any questions they may have. He said, "We plan to take a decaying building and convert it into a business which would be known as Tavern on the Square. We hope to have big screens and would have a game on for folks to watch. We hope within a year to have full kitchen but will have a light menu at first. We want to attract activity to downtown Lincolnton."

Councilman Eaddy questioned if he plans a Black Box Theatre. Mr. DeGregory said he would like to have something once a month but would need the help of the Theatre Guild to provide this. Pete said he has two shows in mind when he gets the business up and running.

Steve Widdows spoke against the request. He said he does not like taverns, and has no respect for taverns. He said people need to fear God. Putting the name of craft in front of a beer doesn't make it different from alcohol.

Matt Burton, spoke in favor of the request. He said, "I proudly support the opening of a tavern, and hopes if opened it would make Lincolnton a destination not a drive through. I myself do not drink but I love to eat, and I love good food. Lincolnton is going in a positive direction and I feel the opening of Tavern on the Square would only enhance our downtown."

Allan Hoyle spoke against the request, saying again that he does not like taverns. Those who are drinking will be held accountable. While he understands people wanting to have a good time, and he is not opposed to that, he does not like drinking and driving.

Darrell King spoke in favor of the request. He gave an overview of the term tavern and the uses. He provided history of a tavern and referenced the first taverns location in Lincolnton in the late 1700's. He encouraged Council to approve the conditional use permit to operate a tavern saying it would be a welcomed addition to our downtown.

Tommy Husky also spoke in favor of the request. He said about seventeen years ago he was involved with a group that helped bring a referendum for alcohol in Lincolnton. He does not feel there is a problem with drinking in Lincolnton. He feels most people are

REGULAR MEETING - JANUARY 11, 2018

responsible adults, and hopes when apartments are built and people are living in downtown a tavern will be a great addition for our residents.

Having no others to speak to the public hearing, Councilman Black made the motion unanimously approved to close the Public Hearing.

Findings of Fact:

- (1) Councilman Black made the motion unanimously approved that the use would not materially endanger the public health or safety if located where proposed and developed according to plan.
- (2) Councilman Jetton made the motion unanimously approved that that the use meets all required conditions and specifications.
- (3) Councilman Eaddy made the motion unanimously approved that the use would not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
- (4) Councilman Smith made the motion unanimously approved that the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and would be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Councilman Black made the motion unanimously approved to approve the request with the noted staff review committee comments being met.

Councilman Black made the motion unanimously approved the conditional use permit as recommended by the Planning Board and staff.

CONSIDERATION OF NAMING THE SPLASH PAD AT FIRST FEDERAL PARK, IN MEMORY OF THE LATE DEVIN RHYNE, FORMER LINCOLNTON CITY COUNCIL MEMBER:

Mayor Hatley said, "This City Council has been through a lot of the past couple of years. I was trying to think of a way to honor one of our most influential members and that is Devin Rhine. The best way that I can think of is to name the splash pad, located at First Federal Park, in memory of Devin. Devin worked tirelessly with First Federal to make the idea of this park a reality. I think that, in and of itself, speaks volumes of Devin. Therefore I would entertain a motion to name the splash pad at First Federal Park, the Devin Rhine Splash Pad."

Councilman Eaddy made the motion unanimously approved to name the splash pad at First Federal Park after former Councilman Devin Rhine as recommended by Mayor Hatley.

REGULAR MEETING - JANUARY 11, 2018

Mayor Hatley said he would leave the design up to the City officials and would like to have this plaque erected at the splash pad prior to opening in the spring.

Councilman Eaddy said, "Councilman Rhyne served as our liaison to the Recreation Commission and knew it how important it was to have green space for our citizens. If it hadn't been for Devin, getting a preliminary design done, and helping with the numbers, I think it is absolutely imperative that we name the splash pad after him."

Recreation Director Nathan Eurey also presented Shelly and Joby Rhyne with a plaque that was unfortunately not presented to Devin before his passing. It read from "All staff, coaches and players we thank you for your service to the Lincolnton Recreation Commission." Shelly Rhyne thanked City Council very much for their thoughtfulness and recognition of her late husband and former Councilman.

CONSIDERATION OF APPROVAL OF AWARDING A COMMENDATION MEDAL – "LIFE SAVING MEDAL TO OFFICER THOMAS HALL FOR HIS HEROIC ACTIONS AND RECOGNITION BY CHIEF JORDAN FOR OFFICER HALL RECEIVING HIS INTERMEDIATE CERTIFICATE FOR LAW ENFORCEMENT:

Rodney Jordan, Police Chief, called Lincolnton Police Officer Thomas Hall forward to award the Life Saving Medal of Honor to him for his meritorious service while on duty August 25, 2016. The Chief along with members of the Lincolnton Police Department and family members of Officer Hall came forward for the presentation. The Chief said, "Officer Hall was responding to a call of an unresponsive male at the Walmart store on Generals Blvd. Officer Hall realized the man's airway was obstructed while trying to listen for a pulse. Officer Hall, with assistance from the store manager, rolled the victim on his side and continued with sternum rubs and diaphragm compressions until the subject's airway was finally cleared and normal breathing began." Chief Jordan said he had received a letter from Lt Seve Bridges of Lincoln County Emergency Services which stated, "The actions of Officer Hall were in my opinion the difference between the man living and dying." Based on LPD standard operating procedures and the command staff reviewing this case, it is appropriate to award this "Life Saving Medal" to Officer Hall for his service on August 25, 2016.

PRESENTATION OF THE 2017 AUDIT REPORT:

Phil Church and Carol Avery of Lowdermilk, Church and Co. presented Council with a cover letter summarizing the financial statements, and significant audit findings. He said the City received a clean unmodified opinion which is satisfactory to the Local Government Commission.

REGULAR MEETING - JANUARY 11, 2018

Mr. Church reviewed the various funds, including totals for the General Fund (including Powell Bill Funds), the Fund Balance (without Powell Bill monies), the available Fund Balance, the Water and Sewer Fund, the Electric Fund and noted both the Lincolnton Tourism Development Authority Fund Balance and ABC Store balances. He also gave the totals for cash investments, noting the restricted cash totals as well. Phil said the City did a good job controlling their expenditures and did not have to use fund balance. Councilman Eaddy said, "That has not been the case in the past."

Phil reviewed the state average percentages for a municipality with an electric system and a population such as Lincolnton's. Lincolnton was well over the required minimum recommended by the Local Government Commission, which is eight percent of the general fund expenditures. After a thorough review he offered to answer any questions that Council may have and said he would be happy to come back at a later date and meet with Mayor and Council to discuss the audit further if necessary.

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

Councilman Jetton asked Mr. Church to tell him on a scale of one to ten how the City's financials rated. Mr. Church said the City is doing very well, above average.

CONSIDERATION OF CONTRACT BETWEEN THE CITY AND LOWDERMILK, CHURCH & CO. FOR THE 2018 AUDIT:

(C-01-18)

Steve Zickefoose, City Manager, recommended that City Council enter into a contract for fiscal year 2018 for Lowdermilk Church & Co. to perform the audit.

Steve told Council that there has been no change to the price for the audit in some years and the proposed cost for 2018 would remain the same at \$ 25,300. He noted the audit contract is a single year approval contract, and he has been very happy with this auditing firm's services. He said, "I have worked with several different auditing firms in my previous employment with the school system and I am very satisfied with the working relationship I have with this firm."

Councilman Eaddy made the motion to approve the audit contract for 2018 as recommended by the City Manager/Finance Director.

REGULAR MEETING - JANUARY 11, 2018

CONSIDERATION OF BUDGET AMENDMENT TO INCLUDE; GRANT FOR BETTY ROSS PARK IN THE AMOUNT OF \$ 150,000 AND CONSOLIDATION OF BOTH THE MARCIA H. CLONINGER RAIL TRAIL FUND AND THE JULY 4TH COMMITTEE FUND INTO THE GENERAL FUND:

(BA-01-2018)

Steve Zickefoose, City Manager, requested Council approve the following budget amendment:

BE IT ORDAINED by the Governing Board of the City of Lincolnton, North Carolina, that the following amendment be made to the Annual Budget Ordinance for the fiscal year ending June 30, 2018.

Section 1: To amend the General Fund, the expenditures are to be changed as follows:

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>GENERAL EXPENSE</u>		
10-00-4280-607	Marcia Cloninger Rail Trail Carryover	12,793.31	
10-00-4280-610	July 4th Carryover	14,010.90	
		-	-
	<u>PARKS AND RECREATION</u>		
10-80-6100-500	State Grant- Betty Ross Park	150,000.00	-
		-	-
		<u>176,804.21</u>	<u>0.00</u>

This will result in a net increase of \$ 176,804.21 expenditures of the General Fund. To balance the adjustments to the budget the following revenues have also been changed with a corresponding net effect.

<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT DESCRIPTION</u>	<u>INCREASE</u>	<u>DECREASE</u>
	<u>ISSUANCE OF DEBT</u>		
10-00-3315-300	State Grants	150,000.00	0.00
	<u>APPROPRIATION FUND BALANCE</u>		
10-00-3991-900	Appropriation from Fund Balance (Carryover from 2016-17 accounts)	26,804.21	0.00
		<u>176,804.21</u>	<u>0.00</u>

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

Adopted this 11th day of January, 2018.

Donna C. Flowers
City Clerk

Ed L. Hatley
Mayor

APPLICATION FROM DON HARTSOE FOR BUSINESS INCENTIVE GRANT FOR BUILDING RENOVATIONS FOR EXPANSION OF LEDFORD FABRICS AND MORE AT 202 WEST PINE STREET:

BIG-1-2018

Laura Elam, Planning Director, reviewed the request from Don Hartsoe for a business incentive grant for building renovations for expansion of Ledford Fabrics and More at 202 West Pine Street.

REGULAR MEETING - JANUARY 11, 2018

The use would include building renovations for expansion of the retail space of Ledford Fabrics into an area that is now storage space. The project would include installation of HVAC, new flooring and new lighting. The total project cost estimate is \$ 41,500 with an anticipated project start date of January with completion sometime in March 2018.

Councilman Jetton made the motion unanimously approved to award the grant of \$ 15,000 as recommended by the Planning Department and the Steering Committee for the renovations.

Councilman Eaddy said, "The incentive grant program is making a big difference for the City in assisting renovations and growth for our downtown."

CONSIDERATION OF PROPOSED RESTRUCTURING OF POSITIONS – AMENDING THE CITY’S LIST OF BUDGETED POSITIONS AND CLASSIFICATIONS:

Tanya Osborne, Human Resources Director, reviewed proposed changes to the City’s budgeted positions and classifications as follows:

“As part of your recommendations for the continued restructuring of city departments to enhance and improve services to the citizens, Council will need to consider the following changes to the Position Classification listing and Schedule of Budgeted Positions. Attached are revised lists which show the following:

1. Add (1) Administrative Support Assistant grade 9 to Parks & Recreation Department
2. Reclass Fire Department Part Time Administrative Support Assistant grade 9 to Full Time Administrative Support Assistant
3. Reclass Events & Facilities Coordinator from grade 13 to Community Relations Director grade 22 exempt position
4. Eliminate Business and Community Dev Coordinator grade 15 from Planning Department
5. Eliminate Admin Support Assistant grade 9 in Administration Department (CMO)

The above position changes will result in the number of full time budgeted positions remaining at 156, and it is anticipated there will be a slight overall net decrease in the salary line.

If Council approves the changes, I would ask the revised attached documents be effective January 23, 2018 which corresponds with the beginning of the next effective pay period.”

Councilman Smith questioned the cost of the proposed restructuring. Steve said there would be no additional cost with his proposal but would be a savings of \$ 10,000 to \$ 15,000 in the budget.

REGULAR MEETING - JANUARY 11, 2018

Steve said, "We are going to take advantage of some skill sets and utilize the positions." Councilman Eaddy wanted to make sure we will continue website management. He mentioned the new app implemented by LTDA for a downtown guide. He also noted he likes the idea that citizens will no longer get a recording but will get a live person when they call City departments.

Councilman Black made the motion unanimously approved to amend the list of budgeted positions and pay classification as recommended by the City Manager.

CONSIDERATION OF DATES FOR THE CITY'S ANNUAL PLANNING RETREAT; POSSIBLY FRIDAY, MARCH 9TH OR FRIDAY, MARCH 23RD 2018:

Steve Zickefoose, City Manager, requested that Council consider a date for the annual planning retreat. He said it will only take a day, and we will focus on budget needs and discussion using the same format as last year, not departmental presentations. Steve said we are looking into holding the retreat at the LEDA conference room. The proposed start time was 8:30 am for either Friday, March 9th or Friday, March 23rd.

Councilman Smith made the motion unanimously approved to hold the retreat on Friday, March 23rd.

MONTHLY FINANCIAL/ OVERTIME REPORT:

Steve Zickefoose, City Manager

January 2018 Council Meeting Executive Summary November 2017 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	4,767,504	43%	10,662,262	4,801,497	(33,993)
	Fund Balance	785,301	-		1,366,107	-	-
		11,038,040	4,767,504		12,028,369	4,801,497	(33,993)
	City Manager/Clerk	333,365	183,278		309,730	128,656	54,622
	Human Resources	235,030	106,142		215,848	100,706	5,436
	Finance	279,012	241,847		273,609	239,574	2,272
	General Expense	809,520	483,970		878,154	416,912	67,058
	General Debt Service	463,524	26,666		425,535	30,012	(3,346)
	Police	3,344,770	1,274,494		3,153,942	1,307,263	(32,769)
	Fire	2,030,690	918,622		2,206,450	842,855	75,767
	Public Works	181,356	97,569		246,538	86,589	10,980
	Street	1,229,141	313,112		1,534,891	479,372	(166,260)
	Equipment Services	132,120	67,540		157,819	93,677	(26,137)
	Solid Waste	718,328	239,987		820,485	289,078	(49,090)
	General Services	-	-		212,559	90,317	(90,317)
	Planning/Zoning	277,060	113,038		276,258	89,646	23,392
	Bus & Comm. Dev	132,454	20,090		160,693	54,360	(34,271)
	Recreation	871,670	472,229		1,155,858	281,217	191,012
	Expenses	11,038,040	4,558,583	41%	12,028,369	4,530,235	28,348
	Difference		208,921			271,262	(62,341)

REGULAR MEETING - JANUARY 11, 2018

PUBLIC COMMENT:

Allan Hoyle spoke to Council requesting again that Council consider placing a monitor with speaker in the lobby area to accommodate overflow from the Council room. He is proud that we have Steve working for our City time and time again. He is doing a good job with managing the City and our money. He also mentioned December 7th and its significance. He ended telling Council they have made a law against the constitution, and

Mike Schrum spoke to Council about the local flag football team, 13 and 14 year olds, that were selected to go to the National Flag Football championship in Orlando Florida. They are the Lincolnton Panthers and he would like for Council to get behind them and support them. This is a once in a lifetime opportunity. He said, "These kids are from Lincolnton, they are our future and I think we should do everything we can to support them." He encouraged Mayor and Council to go to their go fund me page or to contact him with donations to help fund their trip. He praised Nathan Eurey, the Recreation Director, for having over three hundred kids in the program this year. The youth is sponsored fully by the NFL but the extended families that would like to go see them participate would be assisted by any funds raised.

Mayor Hatley reminded everyone in attendance about the upcoming celebrations planned for the Martin Luther King, Jr. holiday. There will be a celebration at Providence and at Tucker's Grove. He encouraged those in attendance to attend one or both of these events.

Councilman Smith took the opportunity to thank the City crews, Street Department and those working on broken pipes with these cold temperatures we've had lately. He said, "I appreciate all the hard work especially in this type of weather."

NEWS MEDIA:

There were no questions from the News Media.

ADJOURNMENT:

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

DONNA C. FLOWERS, MMC
CITY CLERK

ED HATLEY
MAYOR

ITEM #

4

MEMO TO: Steve Zickefoose
Donna Flowers

FROM: Laura Elam

SUBJECT: Agenda Packet for the February 2018 City Council Meeting

DATE: January 23, 2018

PUBLIC HEARINGS

There are no public hearings for the February 2018 meeting.

CALLS TO PUBLIC HEARING

There are no calls to hearing as of today. The filing deadline is close of business on January 29 and we will let you know if we receive any applications prior to the deadline.

MONTHLY REPORT

The January 2018 monthly report is attached.

ITEM #

5

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: Surplus of Handgun
DATE: January 2, 2018

The purpose of this memo is to seek permission from you and the Lincolnton City Council to surplus the "Glock" Handgun (**Model 19, Gen 4, Serial Number YCZ914**) carried by Officer Willie Vaughn to present to him upon his retirement from the Police Force. His projected retirement date is April 1, 2017. The value of the weapon in its current condition is \$260.00 which would be deducted from the \$600.00 he is allotted for his retirement per City Policy.

Your consideration in this matter is greatly appreciated.

Cc: Donna Flowers
City Council
Tanya Osborne
Rebecca Huntsinger

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: Commendation Medal
DATE: January 22, 2018

The purpose of this memo is to seek City Council approval to award the police department's "Medal of Valor" to Officer Thomas Hall for his meritorious service while on duty February 4, 2017. Officer Hall was on routine patrol when he noticed a military style Humvee traveling at a high rate of speed and no headlights on East Main Street. Officer Hall believing this could be anything from an intoxicated driver to a stolen vehicle or even worse a possible terrorist threat began chase with the vehicle. Officer Lafone was waiting at the intersection of Salem Church Road and East Main to assist. The vehicle made an abrupt turn and forcefully collided into the driver side of Officer Lafone's vehicle. After the collision the humvee continued to push in the driver's side door of Officer Lafone's Patrol car and pushing it into another civilian's vehicle. Officer Hall not knowing whether Officer Lafone was badly injured or possibly dead, exited his vehicle and began firing into the driver side window of the Humvee. The Driver then backed toward Officer Hall and his vehicle and rammed into it as well. Officer Hall fired several more rounds as the vehicle began to speed away. Luckily, no officers or suspects were killed during this incident.

1. *Medal of Valor:*

This medal is awarded for an act of heroism within the performance of normal duties when placed in imminent threat of death or serious physical injury to personal self or others. This is the department's second highest decoration for courage and bravery that requires final approval by the City Council.

In reviewing this case, the Command Staff of the department feels that it would be appropriate to award the "Medal of Valor" to Officer Hall for his service on that day of February 4, 2017. We now respectfully ask that council consider the facts of this case and allow us to award the Medal of Valor to Officer Hall at the March 2018 City Council Meeting. Your consideration in this matter is greatly appreciated.

Cc: Donna Flowers
City Council Members

ITEM #

7

C. Ryan Heavner
FIRE CHIEF



FIRE
DEPARTMENT

To: Mayor and Members of Council
CC: City Manager, Steven Zickefoose
From: Fire Chief, C. Ryan Heavner
Date: 1/23/2018

Mayor and Council,

I would like to request your consideration to submit an application on behalf of the Lincolnton Fire Department for twenty (20) Scott X3 Pro Self-Contained Breathing Apparatus. The FEMA (AFG) Assistance to Firefighters grant has opened and this is an opportunity for us to save the City of Lincolnton \$154,286.00 which is the 95% Federal government contribution. The City's 5% share will be \$7,714.00 which already exists within the Fire Departments budget.

As mentioned in previous budgets the Fire Department currently has twenty-eight (28) Self-Contained Breathing Apparatus' which have an end of life date of 2021. Our goal is to successfully receive a FEMA grant to replace these OSHA mandated pieces of equipment before that date.

Mailing Address:
P.O. Drawer 617
Lincolnton, NC 28093

Lincolnton Fire Department
Telephone: 704-736-8920
<http://www.lincolntonnc.org>

Physical Address:
116 W Sycamore St.
Lincolnton, NC 28092

ITEM #

8



January 23, 2018

Ms. Donna Flowers
City of Lincolnton
P.O. Box 617
Lincolnton, NC 28093

Dear Ms. Flowers:

Thank you for your continued interest in East Coast Pyrotechnics.

Enclosed, please find a display outline, and contract for your review. Keep in mind that this proposal represents a complete turnkey display. East Coast will provide all necessary material, qualified technicians and 5 million dollars liability insurance coverage. In addition, we will work with the local authorities to secure the required discharge permit.

The proposed display package will contain the same high quality special effect and brilliant color effect materials as displayed during previous events. As discussed, the cost of production will increase by 10% for 2018. We have managed to hold cost steady for quite a few years; unfortunately the latest round of fireworks material cost increases has forced an increase in our production cost.

If the proposed display meets your approval, please return the enclosed contract to secure your 2018 event. There is no need for deposit at this time; East Coast will invoice for 50% deposit April 1st.

If you should have any questions, please do not hesitate to contact me at (800) 238-5114 or joel@eastcoastpyro.com at anytime.

As always, I look forward to the opportunity to be of service.

Sincerely,

Joel Matthews
Event Producer

City of Lincolnton
July 4th, 2018
\$11,000.00 Proposal Synopsis

Opening

3 – 3” Silver Titanium Salutes with Rising Tails
120 Shot – 1 ½” Red, White & Blue Peony “Z Shape”

Body

120 – 3” Caliber Shells
110 – 4” Caliber Shells
58 – 5” Caliber Shells
20 – 6” Caliber Shells

Low Level Segment

300 Shot – 1” Red & Green Comets and Crackling Stars
36 Shot – 2 ½” Multi-Color Palm Tree with 36 Rising Tails
100 Shot – 1 ½” Silver Crossettes with Silver Rising Tails

Grand Finale

100 Shot – 2” Assorted Color Stars & Salutes with Rising Tails
36 Shot – 2 ½” Assorted Color Peony & Salutes with 36 Rising Tails
50 – 3” Assorted Color Dahlia & Crown Shells
60 – 3” Variegated Color Peony & Chrysanthemum Shells
30 – 3” Silver Titanium Salutes with Rising Silver Tails

Suggested Duration: 15 – 18 minutes

EAST COAST PYROTECHNICS, INC.
AGREEMENT

This contract entered in this 22nd of January A.D. 2018 by and between EAST COAST PYROTECHNICS, INC. of Catawba, S.C. and City of Lincolnton (customer) of City Lincolnton State NC.

WITNESSETH: EAST COAST PYROTECHNICS, INC. for and in consideration of the terms hereinafter mentioned, agrees to furnish to the CUSTOMER one (1) Fireworks Display(s) as per agreement made and accepted and made a part hereof, including the services of our Operator to take charge of and fire display under the supervision and direction of the Customer, said display to be given on the evening of July 4, 2018 Customer Initial _____, weather permitting, it being understood that should inclement weather prevent the giving of this display on the date mentioned herein the parties shall agree to a mutually convenient alternate date, within six (6) months of the original display date. Customer shall remit to the first party an additional 15% of the total contract price or additional expenses in presenting the display on an alternate date. The determination to cancel the show because of inclement or unsafe weather conditions shall rest within the sole discretion of EAST COAST PYROTECHNICS, INC. In the event the customer does not choose to reschedule another date or cannot agree to a mutually convenient date, EAST COAST PYROTECHNICS, INC. shall be entitled to 40% of the contract price for costs, damages and expenses. If the fireworks exhibition is cancelled by CUSTOMER prior to the display, CUSTOMER shall be responsible for and shall pay EAST COAST PYROTECHNICS, INC. on demand, all EAST COAST PYROTECHNICS, INC.'s out of pocket expenses incurred in preparation for the show including but not limited to, material purchases, preparation and design costs, deposits, licenses, and employee charges.

EAST COAST PYROTECHNICS, INC. agrees to furnish all necessary fireworks display materials and personnel for fireworks display in accordance with the program approved by the parties. Quantities and varieties of products in the program are approximate. After final design, exact specifications will be supplied upon request. EAST COAST PYROTECHNICS, INC. enters this agreement contingent upon its ability to secure delivery of product for the display.

It is further agreed and understood that the CUSTOMER is to pay EAST COAST PYROTECHNICS, INC. the sum of \$11,000.00 (50% Deposit due April 1, 2018). A service fee of 1 ½% per month shall be added if account is not paid in full within 30 days of the show date.

EAST COAST PYROTECHNICS, INC. will obtain Commercial Liability and Property Damage and Workers Compensation insurance. Certificate of Insurance will be provided prior to the event. All the entities listed on the Certificate of Insurance will be deemed as an additional insured per this contract.

Customer will provide the following items:

- (a) Sufficient area for the display, including a minimum spectator set back of 420 ft at all points from the discharge area.
- (b) Protection of the display area by roping-off or similar facility.
- (c) Adequate police protection to prevent spectators from entering display area.
- (d) Search of the fallout area at first light following a nighttime display.

It is further agreed and mutually understood that nothing in this contract shall be constructed or interpreted to mean a partnership, both parties being hereto responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this contract. Customer agrees to pay any and all collection costs, including reasonable attorney's fees and court costs incurred by EAST COAST PYROTECHNICS, INC. in the collection or attempted collections of any amount due under this agreement and invoice. Signor of this contract personally guarantees full payment of this agreement.

The parties hereto do mutually and severally guarantee terms, conditions, and payments of this contract, these articles to be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

EAST COAST PYROTECHNICS, INC.

By _____

Date Signed: January 22, 2018

Joel Matthews

PO Box 209

Catawba, SC 29704

P803-789-5733

F803-789-6440

joel@eastcoastpyro.com

CUSTOMER

By _____

It is duly authorized agent, who represents he/she has full authority to bind the Customer

Date Signed: _____

(Please Type or Print)

Name: _____

Address: _____

Phone: _____

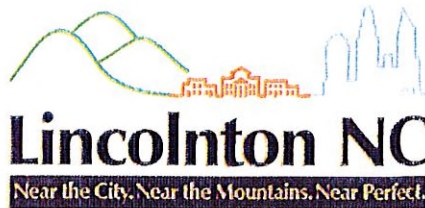
Email: _____

Billing Email: _____

ITEM #

9

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.

RESOLUTION
TO CALL FOR SPECIAL ALCOHOLIC BEVERAGE ELECTION
(R-03-18)

WHEREAS, the Mayor and City Council of the City of Lincolnton met in regular session on February 1, 2018 at 7:00 p.m. in the Council Chambers of City Hall; and

WHEREAS, by citizen request a vote was taken by the Lincolnton City Council to request to the Lincoln County Board of Elections that a Alcoholic Beverage Election for "On-Premises" and "Off-Premises" sale of unfortified wine be added to the May 8th primary election for the citizens of Lincolnton's consideration; and

WHEREAS, the City request that the board of elections shall give notice of a special alcoholic beverage election and notice of the close of registration in the same manner and under the same schedule as stated in NCGS 18B-601 on the above stated primary election date in accordance with NCGS 163-287.

THEREFORE, BE IT RESOLVED by the Mayor & City Council of the City of Lincolnton that this resolution be sent to the Lincoln County Board of Elections Director and the Board Officers upon adoption.

This the 1st day of February 2018.

Ed Hatley
Mayor

Donna C. Flowers, MMC
City Clerk

[About the Commission](#)
[Contact](#)
[Directions](#)
[ABC Store Locator](#)
[Links](#)
[Site Map](#)

Chairman: A. D. "ZANDER" GUY, JR.

[General Info](#)
[Permits](#)
[Beer & Wine Products](#)
[Legal](#)
[Education](#)
[Audit / Investigation](#)
[Spirituous Liquor](#)
[ABC Stores & Boards](#)

Legal Sales Areas & Early Sunday Sales Information

Legal Sales Information for Catawba County

Entity	Malt Beverage	Unfortified Wine	Fortified Wine	ABC Stores	Mixed Beverages	Early Sunday Sales
Catawba	Y	Y	Y	Y	N	Y
Catawba	Y	Y	Y	Y	Y	N
Claremont	Y	Y	Y	Y	Y	Y
Conover	Y	Y	Y	Y	Y	Y
Hickory	Y	Y	Y	Y	Y	Y
Maiden						Y
Mountain Creek Township	Y	Y	Y	Y	Y	N
Newton	Y	Y	Y	Y	Y	Y

Explanation of Codes

Y	On and off premises sales allowed
N	Sales prohibited
Y Off	Off premises sale only
HMR	Off except for hotels, motels and restaurants
18B-603(c)	Section of General Statutes which allows sale of unfortified wine.
18B-603(d)	Section of General Statutes which allows sale of malt beverages in establishments holding mixed beverage permits
A	Election held under G.S. 18G-600(f). Every holder of any ABC permit must meet 51% rule.
B	Mixed beverage permit holders may hold on-premises malt beverage, unfortified wine, and fortified wine permits under G.S. 18B-603(d)(2). In addition, any other establishment that qualifies under general law may hold off-premise malt beverage and unfortified wine permits under G.S. 18B-603(d)(3).
C	Off-premises malt beverage and unfortified wine permits may be issued to any establishment that qualifies under general law. On-Premises malt beverage, unfortified wine, and fortified wine permits, authorized for mixed beverage permit holders by G.S. 18B-603(d)(2), are subject to the 51% rule since Sandhill Township election held pursuant to G.S. 18B-600(f).
N 18B-603(d)	Malt Beverages voted down-Mixed Beverage permit holders may hold on-premise malt beverage.
A,B	Combine explanation of A and B listed above.

[Home](#)
[About the Commission](#)
[Contact](#)
[Directions](#)
[Site Map](#)
[Store Locator](#)
[Frequently Asked Questions](#)

© Copyright 2016 | North Carolina Alcoholic Beverage Control Commission | All rights reserved

[About the Commission](#)
[Contact](#)
[Directions](#)
[ABC Store Locator](#)
[Links](#)
[Site Map](#)

Chairman: A. D. "ZANDER" GUY, JR.

[General Info](#)
[Permits](#)
[Beer & Wine Products](#)
[Legal](#)
[Education](#)
[Audit / Investigation](#)
[Spirituos Liquor](#)
[ABC Stores & Boards](#)

Legal Sales Areas & Early Sunday Sales Information

Legal Sales Information for Lincoln County

Entity	Malt Beverage	Unfortified Wine	Fortified Wine	ABC Stores	Mixed Beverages	Early Sunday Sales
Lincoln	Y Off 18B-603(d)	18B-603(c)	Y	Y	Y	Y
Lincolnton	Y	18B-603(c)	Y	Y	Y	Y

Explanation of Codes

Y	On and off premises sales allowed
N	Sales prohibited
Y Off	Off premises sale only
HMR	Off except for hotels, motels and restaurants
18B-603(c)	Section of General Statutes which allows sale of unfortified wine.
18B-603(d)	Section of General Statutes which allows sale of malt beverages in establishments holding mixed beverage permits
A	Election held under G.S. 18G-600(f). Every holder of any ABC permit must meet 51% rule.
B	Mixed beverage permit holders may hold on-premises malt beverage, unfortified wine, and fortified wine permits under G.S. 18B-603(d)(2). In addition, any other establishment that qualifies under general law may hold off-premise malt beverage and unfortified wine permits under G.S. 18B-603(d)(3).
C	Off-premises malt beverage and unfortified wine permits may be issued to any establishment that qualifies under general law. On-Premises malt beverage, unfortified wine, and fortified wine permits, authorized for mixed beverage permit holders by G.S. 18B-603(d)(2), are subject to the 51% rule since Sandhill Township election held pursuant to G.S. 18B-600(f).
N 18B-603(d)	Malt Beverages voted down-Mixed Beverage permit holders may hold on-premise malt beverage.
A,B	Combine explanation of A and B listed above.

[Home](#)
[About the Commission](#)
[Contact](#)
[Directions](#)

[Site Map](#)
[Store Locator](#)
[Frequently Asked Questions](#)

© Copyright 2016 | North Carolina Alcoholic Beverage Control Commission | All rights reserved

[About the Commission](#)
[Contact](#)
[Directions](#)
[ABC Store Locator](#)
[Links](#)
[Site Map](#)

Chairman: A. D. "ZANDER" GUY, JR.

[General Info](#)
[Permits](#)
[Beer & Wine Products](#)
[Legal](#)
[Education](#)
[Audit / Investigation](#)
[Spiritous Liquor](#)
[ABC Stores & Boards](#)

Legal Sales Areas & Early Sunday Sales Information

Legal Sales Information for Gaston County

Entity	Malt Beverage	Unfortified Wine	Fortified Wine	ABC Stores	Mixed Beverages	Early Sunday Sales
Gaston	N	N	N	N	N	N
Belmont	Y Off HMR or 18B-603(d)	Y	Y On only 18B-603(d)	Y	Y	Y
Bessemer City	Y	Y	Y	Y	Y	N
Cherryville	Y Off 18B-603(d)	18B-603(c)	Y	Y	Y	N
Cramerton	Y	Y	Y	Y	Y	N
Dallas	Y	Y	Y	Y	Y	N
Gastonia	Y Off 18B-603(d)	Y	Y	Y	Y	Y
Lowell	Y	Y	Y	Y	Y	N
McAdenville	Y Off HMR or 18B-603(d)	Y	Y On only 18B-603(d)	N	Y	N
Mount Holly	Y	Y	Y	Y	Y	N
Ranlo	N	N	N	N	Y	N
Stanley	Y	Y	Y	Y	Y	Y

Explanation of Codes

Y	On and off premises sales allowed
N	Sales prohibited
Y Off	Off premises sale only
HMR	Off except for hotels, motels and restaurants
18B-603(c)	Section of General Statutes which allows sale of unfortified wine.
18B-603(d)	Section of General Statutes which allows sale of malt beverages in establishments holding mixed beverage permits
A	Election held under G.S. 18G-600(f). Every holder of any ABC permit must meet 51% rule.
B	Mixed beverage permit holders may hold on-premises malt beverage, unfortified wine, and fortified wine permits under G.S. 18B-603(d)(2). In addition, any other establishment that qualifies under general law may hold off-premise malt beverage and unfortified wine permits under G.S. 18B-603(d)(3).
C	Off-premises malt beverage and unfortified wine permits may be issued to any establishment that qualifies under general law. On-Premises malt beverage, unfortified wine, and fortified wine permits, authorized for mixed beverage permit holders by G.S. 18B-603(d)(2), are subject to the 51% rule since Sandhill Township election held pursuant to G.S. 18B-600(f).
N 18B-603(d)	Malt Beverages voted down-Mixed Beverage permit holders may hold on-premise malt beverage.
A,B	Combine explanation of A and B listed above.

[Home](#)
[About the Commission](#)
[Contact](#)
[Directions](#)
[Site Map](#)
[Store Locator](#)
[Frequently Asked Questions](#)

© Copyright 2016 | North Carolina Alcoholic Beverage Control Commission | All rights reserved

(b) Determining Results of Malt Beverage Election. - The kind of malt beverage sales described in each proposition that receives a majority of votes "FOR" shall be allowed. If propositions (2) and (4) are both on the ballot and (2) receives a majority of votes "FOR," then sales shall be permitted according to that proposition regardless of the vote on (4). If one of the propositions receiving a majority of votes "FOR" is proposition (1), then the kind of sales described in that proposition shall be allowed regardless of the vote on any other proposition at that election.

(c) Subsequent Malt Beverage Elections. - A subsequent election in which a majority votes "AGAINST" malt beverage proposition (1) shall not affect the legality of sales that have previously been approved under proposition (2), (3), or (4). A subsequent election in which a majority votes "AGAINST" malt beverage proposition (2) or (3) shall not affect the legality of sales that have previously been approved under proposition (4).

(d) Unfortified Wine Elections. - Any one or more of the propositions listed below may be placed on the ballot for an unfortified wine election. Each voter may vote on each proposition on the ballot. The propositions to be used shall be chosen by the governing body or petitioner requesting the election. The propositions shall read as follows:

(1) To permit the "on-premises" and "off-premises" sale of unfortified wine.

☐ FOR

☐ AGAINST

(2) To permit the "on-premises" sale only of unfortified wine.

☐ FOR

☐ AGAINST

(3) To permit the "off-premises" sale only of unfortified wine.

☐ FOR

☐ AGAINST

(e) Determining Results of Unfortified Wine Election. - The kind of unfortified wine sales described in each proposition that receives a majority of votes "FOR" shall be allowed. If one of the propositions receiving a majority of votes "FOR" is proposition (1), then the kind of sales described in that proposition shall be allowed, regardless of the vote on any other proposition at that election.

(f) Subsequent Unfortified Wine Election. - A subsequent election in which a majority votes "AGAINST" unfortified wine proposition (1) shall not affect the legality of sales previously approved under proposition (2) or (3).

(g) ABC Store Elections. - The ballot for an ABC store election shall state the proposition as follows:

operation of ABC stores.

☐ FOR

(3) **On-Premises Unfortified Wine Permit.** - An on-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, (ii) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, and (iii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another on-premises unfortified wine permittee that is under common ownership or control as the transferor. Except as authorized by this subdivision, transfers of wine by on-premises unfortified wine permittees, purchases of wine by a retail permittee from another retail permittee for the purpose of resale, and sale of wine by a retail permittee to another retail permittee for the purpose of resale are unlawful. In addition, a particular brand of wine may be transferred only if both the transferor and transferee are located within the territory designated between the winery and the wholesaler on file with the Commission. Prior to or contemporaneous with any such transfer, the transferor shall notify each wholesaler who distributes the transferred product of the transfer. The notice shall be in writing or verifiable electronic format and shall identify the transferor and transferee, the date of the transfer, quantity, and items transferred. The holder of the permit is authorized to ship unfortified wine in closed containers to individual purchasers inside and outside the State. Orders received by a winery by telephone, Internet, mail, facsimile, or other off-premises means of communication shall be shipped pursuant to a wine shipper permit and not pursuant to this subdivision. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Eating establishments;
- d. Private clubs;
- e. Convention centers;
- f. Cooking schools;
- g. Community theatres;
- h. Wineries;
- i. Wine producers.

(4) **Off-Premises Unfortified Wine Permit.** - An off-premises unfortified wine permit authorizes (i) the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises, (ii) the retail sale of unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas into a cleaned, sanitized, resealable container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, and (iii) the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit also authorizes the permittee to transfer unfortified wine, not more than four times per calendar year, to another off-premises unfortified wine permittee that is under common

ITEM #

10

NO BACKUP

NECESSARY

FOR THIS ITEM

ITEM #

11

NO BACKUP

NECESSARY

FOR THIS ITEM

ITEM #

12

Executive Summary

December 2017 Year-To-Date

General Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 10	Revenues	10,252,739	5,441,734	49%	10,662,262	5,570,011	(128,277)
	Fund Balance	785,301	-	-	1,366,107	-	-
		11,038,040	5,441,734		12,028,369	5,570,011	(128,277)
	City Manager/Clerk	333,365	101,057		309,730	32,558	68,499
	Human Resources	235,030	84,977		215,848	65,495	19,482
	Finance	279,012	(114,855)		273,609	(129,134)	14,279
	General Expense	809,520	470,376		878,154	294,460	175,916
	General Debt Service	463,524	27,910		425,535	31,396	(3,486)
	Police	3,344,770	1,708,204		3,153,942	1,571,867	136,337
	Fire	2,030,690	1,054,400		2,206,450	993,680	60,720
	Public Works	181,356	(29,926)		246,538	(42,044)	12,117
	Street	1,229,141	223,471		1,534,891	406,669	(183,198)
	Equipment Services	132,120	38,139		157,819	62,727	(24,589)
	Solid Waste	718,328	279,813		820,485	360,631	(80,818)
	General Services	-	-		212,559	105,410	(105,410)
	Plannin/Zoning	277,060	124,762		276,258	101,898	22,864
	Bus & Comm. Dev	132,454	40,841		160,693	64,025	(23,183)
	Recreation	871,670	518,211		1,155,858	357,454	160,757
	Expenses	11,038,040	4,527,380	41%	12,028,369	4,277,092	250,288
	Difference		914,354			1,292,919	(378,565)

Water & Sewer Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 61	Revenues	7,449,995	4,134,213	53%	7,867,135	4,300,891	(166,678)
	Fund Balance	390,000	-		1,265,399		
		7,839,995	4,134,213		9,132,534	4,300,891	(166,678)
	Water Treatment	1,501,500	580,670		1,476,528	564,125	16,545
	Dist & Collection	1,356,250	668,409		2,390,175	1,233,911	(565,502)
	Wastewater	1,537,900	470,679		1,648,076	470,014	664
	W & S Intangibles	3,444,345	984,798		3,617,755	1,017,695	(32,898)
	Expenses	7,839,995	2,704,555	34%	9,132,534	3,285,745	(581,190)
	Difference		1,429,657			1,015,145	414,512
Electric Fund		Budget 17-18	Actual 17-18	% of Budget	Budget 16-17	Actual 16-17	Difference
Fund 63	Revenues	7,791,714	3,831,055	49%	8,000,000	4,051,230	(220,176)
	Fund Balance	-	-		79,000	-	-
		7,791,714	3,831,055		8,079,000	4,051,230	(220,176)
	Electric Dept.	7,791,714	3,846,087		8,079,000	3,691,702	154,384
	Expenses	7,791,714	3,846,087	49%	8,079,000	3,691,702	154,384
	Difference		(15,032)			359,528	(374,560)
Overtime	80+ hours		156,891			162,207	(5,316)